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SIR DANVERS OSBORN AND SIR CHARLES HARDY.

1753-1761. \*



THE OSBORN  
ARMS.

WEDNESDAY, October 10, 1753, was a notable day in the history of colonial New-York. It marked the close of an administration longer than any since the days of Stuyvesant, and one that, toward the end, had become offensive to the people of city and province. On that day Sir Danvers Osborn appeared before the retiring governor, George Clinton, and the council, and, after reading his commission from King George II., took the oath of office as governor. Then, while this ceremony was occurring within doors, the preparations for the more public induction into his office were also being made. Upon the "Parade" before the fort, on the site of what we know as Bowling Green to-day, were assembling the mayor of the city with the other officers of the corporation and the aldermen and assistant aldermen; in another group were gathered the officers of the militia or train-bands, the clergymen, and other gentlemen belonging to professional or mercantile circles. Ere long this imposing assembly of dignity and worth heard the beating of drums behind the walls of the fort, the gate was thrown open, and, preceded by a company of foot, the retiring governor, arm-in-arm with his successor, and followed by the members of the royal council, marched forth on the way to the City Hall. The procession, completed by the accession of the city dignitaries and the other waiting groups of prominent citizens, defiled up the hill from the parade ground into Broadway, whose sides were lined by a great concourse of people. Flags waved from private houses, and win-

\* From "The Memorial History of New York."

## SIR DANVERS OSBORN

dows and roofs were crowded with spectators. Wheeling to the right as Wall street was reached, the procession descended the slight declivity, halting before the City Hall and forming in two lines, the governors passed between into the building, whence the

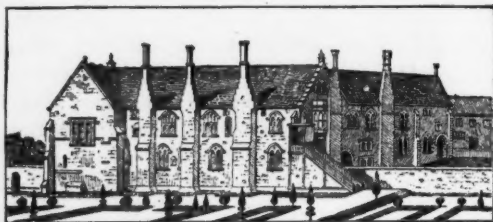


*Danvers Osborn.*

commission of Sir Danvers was read in the hearing of the assembled people. No sooner was this done than cannon boomed and all the church bells of the town began to ring. It was indeed a gala-day throughout: when night descended bonfires cast a ruddy glare from several street corners, and colored lamps adorned the houses of the more elegant and decorous citizens. Then there was feasting and banqueting, as there had already been for some days before.

Sir Danvers Osborn was born at the family seat of Chicksands Priory, county of Bedford, on November 17, 1715, and was thus in the thirty-eighth year of his age when he took charge of the government of New-

York. He came of a family which held by inheritance positions of trust near the king's person from the days of Edward VI. Some of these functionaries were knighted, but in 1662 the bearer of the



BIRTHPLACE OF SIR DANVERS OSBORN \*

name and of the office was created a baronet. Sir Danvers succeeded his grandfather at the early age of five, his father having died before the latter.

He thus became the third baronet, while his representative and

\* The south-east view of Chicksands Priory, in the county of Bedford, birthplace of Sir Danvers Osborn, Bart., as it appeared in 1730.

descendant to-day, Sir Algernon, is the seventh in succession. The mother of Sir Danvers was a remarkable woman. She is known in history as the Honorable Mrs. Sarah Osborn, as on account of her husband's premature death she did not acquire the title of Lady Osborn. She was the daughter of Admiral Sir George Byng, afterward (1721) created Viscount Torrington, and sister of that unfortunate Admiral Byng, who was shot in 1757 for "error in judgment" in retreating before the French at Minorca. According to Macaulay, there seem to be strong reasons to suspect that he was sacrificed for political considerations. His sister, Mrs. Osborn, made every possible effort to move the king to exercise that mercy which the court-martial recommended, but in vain. His last letter was to her, and she also sacredly preserved a note of Voltaire's to the Admiral, inclosing a letter to him of the Duke of Richelieu, the commander of the French fleet, exonerating his opponent from all blame, inasmuch as the forces at his command were utterly inadequate. Voltaire's note and its inclosure are still to be seen at Chicksands Priory. Truly this lady's lot was a hard one, for soon we shall have to record her son's violent end, when again, as in his own youth, the management of the estates of the baronetcy was thrown into her hands during a long minority.



ADMIRAL JOHN BYNG.\*

At the age of twenty-five, in September, 1740, Sir Danvers was married to Lady Mary Montagu, a daughter of George, Earl of Halifax, and sister of that Lord Halifax who was one of the lords of trade. To this lady he was devotedly attached. She bore him two sons, but immediately after the birth of the second, in 1743,

\* Admiral John Byng, fourth son of Viscount Torrington, from a photograph of the original picture by Hudson, at Chicksands Priory.

Lady Osborn died, plunging him into an inconsolable grief, which threatened to unseat his reason. "Sir Danvers never seems to have recovered his spirits after his wife's death," writes a descendant. 'For some years he led a restless and wandering life, . . . and was elected member of Parliament for the county of Bedford. . . . In 1745, during the rebellion of the young Pretender, he raised a troop of men, and led them in person to support King George. In 1750, he went to Nova Scotia for six months on a visit to the governor, Lord Cornwallis.\* Finally his brother-in-law, Lord Halifax, then the president of the board of trade and plantations, exerted his influence to secure for him the position of governor of New-York. It was hoped the entire change of scene, as well as enforced activity, would prevent his mind from brooding over his sorrow. But the sequel proved that the step was ill-advised, and the kindly intentions were destined to be fatally disappointed.

Probably by reason of the shocking event that terminated the series, there is great minuteness in the account of the occurrences that attended the arrival, the inauguration, and the assumption of his new duties by Governor Osborn. On August 22, he sailed from Portsmouth, in *H. M. S. Arundel*, and two days before wrote to his sons, lads of about 12 and 10 years respectively, the following letter, which is extremely pathetic in view of the fate which we now know was impending over the affectionate and stricken parent.†

TO MY TWO SONS.

MY DEAR BOYS:

Thank you for your 2 letters and kind wishes. I hope when I return it will be the better for you. In the meantime be good, and obey your Grandmamma, Lord Halifax, and Mr. Bedingfield, when he comes to you. Make virtuous and honorable men and you will make me happy.

I leave you my tender blessing, and am sincerely,

Your affectionate Father,

DANVERS OSBORN.

On Saturday, October 6, 1753, the vessel that had conveyed him across the ocean, entered New-York harbor. On the next day, Sunday, the 7th, Sir Danvers landed in state at the foot of Whitehall street, and was formally received by the royal council, Governor

\* "Political and Social Letters of a Lady of the Eighteenth Century," edited by Miss Emily F. D. Osborn (youngest daughter of the late baronet), New York, 1891, pp. 11, 12. The person thus referred to was the Hon. Mrs. Osborn, Sir Danvers's mother.

† The original letter is endorsed by the Hon. Mrs. Osborn, as follows: "Sir Danvers Osborn, August, 20, 1753, to his two sons, from Portsmouth. Sailed from thence August 22—to that unfortunate Government of New-York, where he arrived, October 6, and dyed the 12—".



Clinton being at his country-seat at Flushing, Long Island. Although it was Sunday, the festivities were begun by a banquet in honor of the new incumbent; the next day Clinton came into town and had a conference with Osborn at the governor's residence in the fort. On that (Monday) evening again a public dinner was given, at which both Sir Danvers and Clinton appeared, and which was tendered by no official body, but by the prominent citizens of the colony.

As the mansion in the fort was undergoing repairs preparatory to the change of occupants, Sir Danvers was invited to the house of a member of the council, Mr. Joseph Murray. This gentleman had married one of the daughters of Governor Cosby, and as Mrs. Cosby was related to the Earl of Halifax, Mrs. Murray was also a distant connection of the late Lady Osborn. Mr. Murray was a man of



CHICKSANDS PRIORY AS IT IS AT PRESENT.

ample fortune and of marked ability. He "was the principal lawyer of the province, and a leading member of the royalist party."\* His house was situated on the lower part of Broadway, the garden in the rear extending to the edge of the Hudson River, which, as is known, then came up as far as the present Greenwich street. Mr. Murray's home "was for that time in America a very luxurious one. . . . Sir Danvers must have been quite as comfortable there as in

\* These citations are from Mr. Fowler's MS.

his own house in England. The difference in the material comforts of the two countries was not then more marked than now, the colonial English generally importing much of their contemporary comforts to their colonies and territories."\* On Tuesday, the 9th Governor Clinton made a formal call on Sir Danvers at his host's, and the day was also marked by the presentation of the freedom of the city in a gold box. The ceremonies and jubilations of the inauguration, on Wednesday, the 10th, having already been described. Even then the shadow of the sad event to come had begun to settle upon the new governor. The crowds that lined Broadway and Wall street as the procession passed gave vent not only to their enthusiasm at the sight of Sir Danvers, but that of the retiring governor excited them to an ill-timed and coarse anger, and they uttered shouts of derision and words of vituperation against him. This did not affect Clinton half as much as it did the sensitive Osborn; and he gave evidence of the fact that this ill-mannered conduct had made an impression upon him by the effort to soften its unpleasantness for his predecessor. He observed that he fully expected to be himself made the mark of such assaults ere he had been long in the government. An intimation of the perfect correctness of this presentiment was received by him on the very next day (the 11th), while, so to speak, the echoes of the cannon and the bells celebrating the joy at his coming had scarcely ceased. In the address from the corporation had occurred this clause, expressing the assurance that his Excellency would be as "averse from countenancing as we from brooking any infringements of our inestimable liberties, civil and religious."† The governor did not like either the words or the tone of this passage; he distinctly contemplated requesting the corporation to remove it from their address, but wiser councils dissuaded him. In the face of this determined stand of the colonists, he remembered that his instructions called for a specially determined effort to curb this very spirit and curtail some of these all too liberal privileges. He inquired of one of the councilors how the enforcement of these instructions would be met. He was informed that the provincial assembly would not yield an inch of the power which had passed into their hands when the grants of revenue had been made annual with detailed appropriations, instead of for a number of years and undistributed. When this reply was made the disconsolate

\* Doc. rel. Col. Hist. N. Y., 6: 804.

† "History of New York," by William Smith (cont. to 1762), in 2 vols. (N. Y. 1830), 2: 183.

chief magistrate bowed his head, and sighed, "What then am I sent here for?"\* to which there was no response.

Immediately after the inauguration dinner, while the other guests still remained at the table, Sir Danvers had asked to be excused on the ground of indisposition. On the next day (the 11th) he dined quietly at an early hour at the home of his host. Still complaining of illness, Mr. Murray proposed to him to take the air, either in a carriage or a ride on horseback. This being declined and his guest's depression of spirits appearing to increase, the best physician in town, Dr. Magraw, was summoned; but his prescription was disregarded, and the governor retired early to his chamber ordering some broth to be prepared.† It was the last time that he was seen alive. Early the next morning, Friday, October 12, the body of the unhappy Sir Danvers was found suspended from the fence in Mr. Murray's garden.

It is not difficult to imagine the consternation that must have seized upon the little colonial capital, as the news of this dreadful occurrence was noised abroad. Several governors had died in office and some suddenly; but none of these deaths had been of this character, after a rule of but two days and apparently by suicide. The heat and bitterness of party spirit did indeed dare to broach the suspicion that the adherents of the lieutenant-governor had sought this execrable means of placing their favorite in power. But this charge was too monstrous to be seriously or long entertained even in that day. Yet it led to careful depositions regarding the attending circumstances, which were sent to England to convince the lords of trade that there had been no foul play, but that Sir Danvers had died by his own hands. The funeral occurred on the next day (October 13), and as the Rev. Henry Barclay, rector of Trinity, had felt some scruples about consigning his Excellency's remains to the grave with the usual ritual, the unhappy fact (which, however, lessened the horror of the deed) was clearly brought out by other depositions, that insanity had before visited the heart broken baronet for a brief period since his wife's death, and that he had even

\* Smith, Hist. N. Y., 2: 185.

† "All the papers and chronicles of the time are very precise about the new governor's movements, and particularly how and where he dined and supped. . . . Mr. Murray, in a deposition taken under oath by order of the council to be sent to England, states that the physician ordered 'sack whey.' Sir Danvers declined, and ordered his servant to bring 'broth' instead. Mr. Murray seems to have thought this fact of importance, and that the most skeptical lord of trade of the last century would be convinced that a man who preferred broth to sack-whey must be mad indeed." Mr. Fowler's MS.

attempted his life before. By the testimony of his private secretary\* and other companions on the voyage, and of close observers of his



THOMAS POWNALL, SECRETARY TO SIR DANVERS OSBORN.

\* This was Thomas Pownall, Esq., who remained in the colonies after Sir Danver's death, and by his intelligence and industry raised himself finally to a high rank in their service. He was an author before he left England, having published a work on the philosophy of political institutions. In 1757 he was appointed governor of Massachusetts, served three years with ability, and having solicited his own recall from that government, he was at once made governor of South Carolina, a post which he held for 10 years. He had been offered the governorship of New-York, but declined it. He died at Bath, in 1805, at the age of 85 years.

actions throughout the inaugural exercises, it was proved that the change from England to America, and the assumption of new and untried activities, so far from affording the hoped-for relief from the threatened malady of heart and brain, had really only aggravated it and hastened the fatal result.\*

It must be confessed that the political opinions or at least affiliations of the prominent New-York personages and their families in the middle of the eighteenth century, present many puzzling complications. By a most arbitrary exercise of power, at the mere nod of Governor Cosby, Chief Justice Lewis Morris, the favorite of Robert Hunter, had been removed from his high office, and James DeLancey, not yet thirty years of age, appointed in his place. That De Lancey heartily acquiesced in this infringement upon colonial liberties was shown not only by his acceptance and retention of this office, but in a marked degree by his conduct at the Zenger trial. On a previous page have been described his contentions with the two great jurists William Smith and James Alexander; they calling in question the validity of his appointment, whereby he was compelled to disbar them. Then De Lancey was the stanch champion of the governor and of the prerogatives of the crown; while Smith and Alexander having fomented the opposition against the governor in the very newspaper that appeared in the libel suit, continued after their legal victory to agitate in favor of popular rights. During the next administration there was a complete change of base. The animosities awakened by the trial continued the same, but they led the combatants to an interchange of camps. Governor Clinton claimed that De Lancey remained friendly toward him only until by this dissembling conduct he had induced his Excellency to change the tenure of his office of chief justice from one at "pleasure" to one on "good behavior." As soon as the latter had been effected, making De Lancey independent of the governor, it was charged that he threw himself into the ranks of the opposition, determined to render Clinton's position as unpeasant as possible. But we may well look for some other cause than mere caprice, as De Lancey's support of the governor was in entire accord with his course during the incumbency of Cosby and Clarke, a period of nearly eleven years. There no doubt was a quarrel, and hence it is equally certain that the governor gave De Lancey some reason to be offended. It is also to be observed that there appears to be no rupture between these high

\* Fowler MS. notes.

functionaries till three or four years after Clinton's assumption of the government. But after that there is scarce a letter written by the governor to the lords of trade, or to individual members of that board, or to private correspondents, that does not reiterate with painful monotony the story of the evil conduct of the chief justice. He regrets that he has made his appointment to depend on good behavior, and actually discusses the question whether that step on his part could not be annulled at home.\*

His complaints, bitter and unending, against De Lancey (as has already been more fully related in the preceding chapter), were met by the authorities in England in a most startling manner, exceedingly humiliating to the governor. While seeking to lower him in the esteem of the lords of trade, Clinton, on the other hand, sounded the praises of Cadwallader Colden, and recommended that the latter be appointed lieutenant-governor. He descanted on the advantages of creating such an office at the present juncture, when matters were fast ripening toward the breaking out of the French and Indian war, and when the governor had to be absent from the capital so frequently to adjust relations with the Indians and the other colonies.† The ministers at home saw the cogency of his recommendation so far as the office was concerned, but passing by the gentlemen whom he named as peculiarly fitted for it, they conferred the honor

on none other than Clinton's persistent enemy, James De Lancey, who retained at the same time the chief justiceship. On October 27, 1747, this appointment, with the commission, was received by the governor; and as he had requested a leave of absence, he would have been compelled to hand the commission to De Lancey at once, and allow him to indulge the satisfaction of being chief ruler for a brief



METHODIST CHURCH IN JOHN STREET.

period.‡ To prevent this Clinton actually declined to avail himself of his permission to leave.

On the death of Sir Danvers Osborn, the lieutenant-governor, by virtue of this same commission of 1847, was duly invested with

\* Doc. rel. Col. Hist. N. Y., 6: 356, 357.

† *Ib.*, 6: 313.

‡ *Ib.*, 6: 416.

the government of the province. From his own account we learn that on the morning of the inauguration the retiring governor handed this commission to De Lancey in council before Sir Danvers read his. On the fatal Friday, the council having been hastily summoned, De Lancey read the document only in the presence of the members and the officer of the guard, as anything more public would have been inappropriate. The acting governor's first care was to appoint a committee consisting of James Alexander (the oldest councilor present), John Chambers (second justice of the Supreme Court), and Mayor Holland, to make an investigation into the cause of Governor Osborn's death. The assumption of the government, however, placed De Lancey in a very curious, if not anomalous position. He had devoted all his talents and energies to oppose and harass Governor Clinton. But the royal governors stood for the royal prerogative, and the burden of its demands was limited to one cry: a permanent revenue without specific appropriations. De Lancey had, therefore, been the advocate of the opposite policy: annual grants, definitely appropriated. That was the popular cry, and Cosby's chief justice, and Zenger's very partial judge, must perforce take up that cry, and identify himself with the popular party. Aside from legislative difficulties, the times were trying, for the French and Indian war was impending, and, indeed, hostilities had already begun. There were men to be enlisted, military stores provided, and money to be raised for defense and attack. Through all this the New-York assembly kept a keen and wakeful eye upon its rights. But De Lancey's neutrality or impartiality between the two contending forces was really an advantageous circumstance. In all his letters he points out the obstinacy of the assembly, but also the danger of unwisely provoking it on the part of the home government. He wishes to remain true to unwise instructions, but in one instance boldly transgresses them and writes: "I hope the necessity of securing the Province and of obtaining money for the use of the king's troops . . . will plead for my excuse in breaking through my instructions by giving my assent to a Law for a paper Emission without a suspending clause; I could not get money in any other way, as your Lord<sup>ship</sup> may be convinced of from what passed between me and the Assembly on this subject last fall."\* The lords of trade must have been more than ordinarily blind not to have commended his independent judgment and action in this emergency. In fact it

\* Doc. rel. Col. Hist. N. Y., 6: 947.



would seem as if the interests of the colonies, and of the crown if it wished to retain them in possession, would have been immensely promoted by leaving in power such men as De Lancey, born in the country, in touch with its citizens, yet loyal to England so long as it acted wisely and justly. But a native Englishman, one near the court, one who must be rewarded by place, one who needed a reparation of fortune, such was the ideal of the man for colonial governor in America ever in the minds of the ministers at home, fitness or capacity being very subordinate considerations; and such a one, answering in one or more particulars to this ideal, was again



*Chas Hardy*

selected to supersede Lieutenant-Governor De Lancey in the government of New-York.

As early as January 29, 1755, an order of council, regularly convened with the king present was executed appointing as captain-general and governor-in-chief of his Majesty's province of New-York a gentleman named "Charles Hardy, Esq'." in the document. He was a captain in the royal navy, about fifty years of age at the time of his appointment, and in addition to or connection with this honor he must have been knighted by his Majesty, for the first communication of the lords of trade to him, before he had reached America, and dated August 12, is addressed to "Sir Charles Hardy, Knight." \*

He had been in America before, and had also borne a similar office there, having been appointed governor of Newfoundland in 1744. Embarking in the *Sphynx* early in July, the new governor of New-York arrived in the upper bay on September 2, 1755. The formal reception and his landing took place next day, but on that same evening the lieutenant-governor called on Sir Charles on board the ship. It was a great relief to the latter that so efficient and experienced a person remained near him in the government, for he felt himself entirely unfitted for many of the duties that belonged to his

\* Doc. rel. Col. Hist. N. Y., 6: 960.

present station. Meantime the French and Indian war was in progress, giving Governor Hardy much work of a nature more congenial to his training. Indeed at last he grew so tired of merely playing governor, while the sphere that he loved was affording such fine opportunities for the display of his aptitudes, that he begged to be relieved from the government of New-York and to be transferred to some post in the royal navy. In the year 1757 that request was granted, and on June 3, he placed the chief direction of affairs once more in the hands of Lieutenant-Governor De Lancey. Sir Charles Hardy was made rear-admiral of the white, took part in the taking of Louisburg in 1758, and, after attaining the rank of vice-admiral, on retiring from active service he was appointed governor of Greenwich Hospital in 1771, and died in 1780, at the age of seventy-five.

It may be readily appreciated from De Lancey's superior talents as well as experience, by the side of Hardy's cheerfully avowed incapacity, that the close friendship and entire harmony between governor and lieutenant-governor meant the ascendancy of the latter in the administration of affairs throughout the brief period of Sir Charles' presence in New York. There was thus practically no change in the government when De Lancey again acted as chief magistrate. He retained this prominent position for exactly three years and two months, or until the day of his death, August 4, 1760. The opulent De Lanceys occupied many fine mansions in the city and vicinity. The founder of the family built that which later became Fraunces' Tavern, on the corner of Pearl and Broad streets. This passed into Oliver De Lancey's hands, being bought by Samuel Fraunces of the latter. Stephen De Lancey also built a large house on Broadway, just above Trinity Church, which later became the City Arms, and on the site of which stood till within the recollection of many now living the City Hotel. Here James De Lancey resided when in town; but about a "mile out of town," above Grand street on the Bowery road, or between Grand and Rivington streets, at some distance from the road, whence a long lane of venerable trees led up to the house, stood the lieutenant-governor's country seat. It was here he died. He was a sufferer for many years from asthma. On the day previous to his decease he had had a conference with the governor of New Jersey on Staten Island. Crossing the broad bay in an open boat in the damp night air, and then riding out, probably on horseback, to his country-house, brought on a violent attack of

his trouble, and on the morning of August 4, 1760, he was found dead in his chair in his library. He was but fifty-seven years of age, but his career had been a successful and brilliant one. He doubtless had his faults, but it is to be remembered that the historian William Smith, the ever exhaustless source for recent historians of the city, was a violent partisan against him, and therefore has doubtless taken care that his faults should not fail to appear for the edification of posterity.

Prominent among the local incidents of this period was the founding of Columbia (then King's) College, and the erection of its first buildings. Almost in the midst of the consternation produced by Sir Danvers Osborn's death, during the autumn of 1753, matters had advanced so far in the history of the college that its first presi-

dent Dr. Samuel Johnson, rector of the Episcopal Church at Stratford, Connecticut, was called to assume the duties of that office. Before this the warden and ves-



COLUMBIA COLLEGE IN 1753.

try of Trinity Church, under the inspiration of the Rev. Henry Barclay, the rector, had granted to the trustees of the College a large piece of ground, part of their "farm," for the purpose of putting up suitable buildings, situated as a contemporary historian asserts, "in the suburbs of the capital."\* Upon this ground the first college hall was erected, in the shape of a quadrangle, the longest side of which faced the river. It formed a prominent object in the view of the city from the opposite shores of New Jersey. The money for the institution was raised in the first place, according to the custom of the time, by lottery. The act authorizing this received Governor Clinton's approval on December 6 (St. Nicholas's Day), 1746, and the sum fixed upon was twenty-two hundred and

\* Smith's History of New York, 2: 233. These grounds were about identical with the blocks bounded now by Murray and Barclay streets, Church street and College Place.

fifty pounds, say (\$11,200).\* But individual gifts of large sums were also contributed, both in England and in the province. Among the largest donors appears the name of Sir Charles Hardy. It was while he was governor that the condition of the finances and the prospects of attendance at the lectures seemed to warrant a beginning with building, and accordingly the corner-stone was laid by his Excellency himself in August, 1756.

From the first college in the city to its earliest library is a very natural transition ; yet in this case again the merest outline is alone permitted, as the subject extends through several administrations as well as into the next century, and will receive special and exhaustive treatment in another volume. It must be observed, however, that during the period now under consideration the foundation of the Society Library was really laid, although the Corporation Library, absorbed by it later, had already come into existence. The aim and spirit of this undertaking, as conceived by the projectors, are excellently set forth by William Smith, the historian, and his words are especially of weight and interest as expressing the feeling of the need of such an institution by an educated and enlightened citizen living at the time and deploring the lack of its advantages in an opulent but all too commercial city. He says : " In the Month of March, 1754, nearly six hundred pounds were raised toward promoting a spirit of inquiry among the people, by a loan of the books to non-subscribers. The project was started at an evening convention of a few private friends." The names of that company are worth preserving : " Messrs. Philip Livingston, William Alexander (afterwards known by the title of the Earl of Sterling), Robert R. Livingston, William Livingston, John Morin Scott, and one other person." It may be strongly suspected that this " one other person." was the historian himself, who thus modestly leaves his name unmentioned. For it is deserving of attention that, as the four Livingston brothers had been sent to Yale, where William Smith, Jr., also graduated, the pleasant circumstance reveals itself that three of these young college-bred men (and with Smith, four) were now in this practical manner giving proof of their zeal in the interest of education and popular enlightenment. As the historian further remarks : " A foundation was laid for an institution ornamental to the metropolis, and of utility to the whole colony ; for the remote object of the projectors was an incorporation by royal charter, and

\* Smith's Hist. N. Y., 2 : 112.

the erection of an edifice, at some future day, for a museum and observatory, as well as a library."\* The charter was granted under Governor Tryon in 1772, and the history of the succession of its edifices, until the present one in University Place, must be reserved for a succeeding volume.

It may not seem worth while to turn aside from the course of events, in a period so stirring as that of the French and Indian war, to note the erection of a private dwelling. But the "Walton" House, celebrated by many historians of the city, merits that distinction. Its elegance, and the splendor of its hospitalities, even bore a part in determining Parliament to inflict the stamp act upon the colonies, and thereby it assumes a national importance. In the middle of the eighteenth century William Walton had acquired great



IRON CROWN FORMERLY ON  
COLUMBIA COLLEGE.†

wealth in trade with the Spanish West Indies and South America. He enjoyed special privileges from the Spaniards, according to Lieutenant-Governor Clarke, who in 1738 informed the home authorities that Captain Walton was "the only person in this place whom the Spaniards permit to trade at Augustine, where he has a Factor who has resided there many years."‡ He was living then in a house located on Hanover Square. In 1754 he determined to build himself a home in a style and of a cost commensurate with his increasing fortune, and he selected for its site a locality "well out of town." It was where Queen street rose into a hill, whence the garden could slope down gracefully toward the East river bank and whence a fine prospect might be gained from the rear windows over that river, across to the green hills of Long Island, and adown the bay over Governor's Island and as far as Staten Island. From the front windows it is more difficult to imagine what the view must have been. It may have embraced the depression where the waters of the placid Collect reflected the skies and the surrounding woods. Directly across from it the eye would light upon the King's Farm ;

\* Smith, New York, 2: 207, 208.

† This interesting relic is now mounted and preserved in the library of the college. ‡ It surmounted the cupola of the original college building, an illustration of which is given on a previous page.

‡ Doc. rel. Col. Hist. N. Y., 6: 128.

and possibly the flat shores of Jersey or the bold cliffs of Bergen Heights may have been included in the prospect. The house is no more, and were it still in existence, how different the prospect! The building at 324 to 328 Pearl street, on Franklin Square, opposite Harper & Brothers' publishing house, occupies the site. As late as 1867, an inscription still announced to the curious that this was "The Old Walton House." It was then utilized as a boarding house or hotel for sailors. Another step back, and we find in 1832, that the noble mansion, after nearly eighty years, was still intact as to its interior arrangements. In the "New York Mirror," of March 17 of that year, the following description occurs: "It is a brick edifice, fifty feet in front and three stories high, built with Holland bricks, relieved by brown stone water tables, lentils, and jams, with walls as substantial as many modern churches. The superb staircase in its ample hall, with mahogany handrails and banisters, by age as dark as ebony, would not disgrace a nobleman's palace" \* Another writer of about that time, whose mother had seen it illuminated in celebration of the repeal of the stamp act, says of it: "It has even now an air of ancient stately grandeur. It has five windows in front; has a double pitched roof covered with tiles and a double course of balustrades thereon. Formerly its garden extended down to the river." † Garden and house have both disappeared, there is not even that inscription "coarsely painted in dingy white on its muddy red walls," to mark the spot where "the nonpareil of the city in 1762, had fallen from its greatness. It was torn down in 1881.

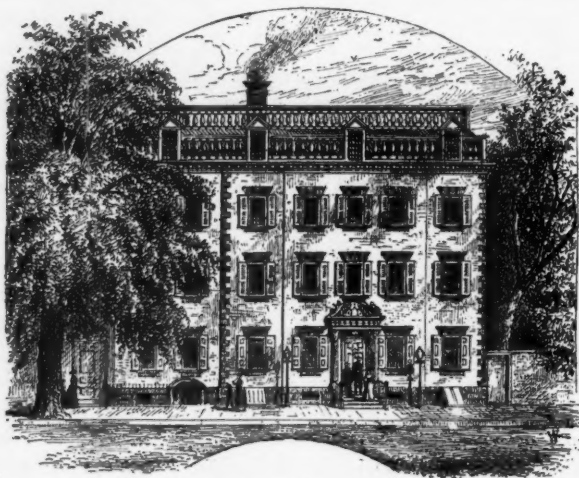
While De Lancey, Hardy, again De Lancey, and finally Colden, ruled the province between the years 1753 and 1761, the cloud of war was not only hanging over the country but burst in storms of considerable violence upon certain parts of it. New-York province and New-York city from their central position, necessarily played an important part in the French and Indian war; and hence there arises the necessity of obtaining a clear view of the circumstances attending its conduct, though mainly from the standpoint of the city's interest and participation therein. The peace of Aix-la-Chapelle, putting an end in 1748 to the general European war, known as that of the "Austrian Succession," was still in force in Europe, so far as the surface of things went, when it had already been infringed for a

\* John Austin Stevens, "Biographical Sketches," pp. 61, 62.

† Historic Tales of Olden Time in New-York City, by John F. Watson (New-York, 1832), p. 192.



year or two in America. In 1756, Frederick the Great of Prussia could restrain his ambition no longer, and precipitated the "Seven Years' War." But in 1754, or even earlier, the movements of the French in America had become so distinctly hostile in intent, if not in action, that a general alarm spread throughout the English colonies, and emphasized the necessity of concerted action on the part of all. From the mouth of the Mississippi along the Ohio to the mouth of the St. Lawrence, it was the plan of the French to establish a chain of forts, to hem in the English upon the sea border. It might thereafter be only a question of time to drive them off this territory also. The scheme was a magnificent one and cannot but compel admiration. It was near enough realization, too, to merit more than admiration in those days, and to lift it above a mere visionary dream. But often do our enemies teach us our best



THE WALTON HOUSE.

lessons ; and the French chain of forts led to the eventual confederation of American States. In 1754, delegates from all the colonies met in Albany, New-York. The congress met mainly to conclude an alliance with the Six Nations against the French. It assembled in the Court House, on Wednesday, June 19, 1754 ; Lieutenant-Governor De Lancey of New York presided. There were twenty-three delegates : New York being represented by four ; New Hampshire



by four; Massachusetts by four; Connecticut by three; Rhode Island by two; Maryland by two; and Pennsylvania by four, one of whom was Benjamin Franklin.\* Conferences were duly held with the Indians, and the usual flowery speeches exchanged; but at the session of Monday afternoon, June 24, "a motion was made that the Commissioners deliver their opinion, whether a Union of all the Colonies is not at present absolutely necessary for their security and defence."† The motion being put, it was carried unanimously, Franklin was made chairman of the committee to draft a plan, and on July 10, the plan he proposed was adopted, and ordered to be laid before the several colonial governments represented at the congress, as also before those not represented. It provided for a President-General, appointed by the crown, assisted by a grand council composed of forty-eight representatives chosen by the seven provincial assemblies; none of the colonies to have less than two, but otherwise in proportion to their population, so that Massachusetts and Virginia were each to have seven, the highest number.‡ Strange to say, this "Plan of Union," the forerunner of that confederation and federation which Franklin contributed so much to effect later, was equally distasteful to the colonies and to England. The latter apprehended too great power in the provinces; the provinces were jealous of the too greatly centralized power it would give the crown. But such a seed could not fail of fruitage, for it was laid within exactly the right kind of soil.

Though political consolidation was not yet to be for many a year, and then only at the expense of British dominion, the idea of military combination was put into practical shape by the British ministry in 1756, when the Earl of Loudoun was made commander-in-chief of the Army, throughout British North America. His chief recommendation for the post must have been, as it almost always was in the case of the colonial governors, eminent and signal unfitness for the position. He was, says Bancroft, "utterly wanting in the qualities of a military officer, or a statesman, or of a man in any sort of business." But the secret of the blunder made in the appointment lay in the fact that he was "a friend of Halifax, passionately zealous for the subordination and inferiority of the colonies." This might have been a fine state of mind for a man sent to fight the colonists already in rebellion. But the effect of

\* Doc. rel. Col. Hist. N. Y., 6: 853.

† Ib., 6: 859.

‡ Ib., 6: 889; "Bancroft, Hist. United States," (ed. 1883) =: 387.

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# *SIR DANVERS OSBORN*

this temper in dealing with the people he came to defend was to hasten on their insubordination, and thereby to raise them from a state of inferiority to one of national independence and equality. His presence in New-York city was attended by nothing but friction, by insult and tyranny on his part, by resistance and defiance on the part of both people and magistrates. Some of the chief events of the war had already taken place before the commander-in-chief appeared upon the scene. In 1755, four campaigns had been planned by General Braddock, a narrow minded, opinionated soldier, but then, at least, a soldier and a brave one, and not a mere puppet or figurehead like Loudoun. Braddock's expedition against Fort Duquesne ended in disastrous failure and his own death. The second expedition depended upon coöperation with the



THE EAST RIVER SHORE IN 1761.

first, as Governor Shirley, of Massachusetts, was to effect a junction with General Braddock after the reduction of Fort Duquesne, in order to proceed with combined forces

against Fort Niagara. The third expedition was placed in charge of Colonel William Johnson, the famous Indian agent, and was to be directed against Crown Point. This alone was followed by the discomforture of the French. It brings the blush of shame upon the cheek of one who feels for the honor of Englishmen that a fourth exploit, planned for 1755, was also successful. We need only mention that it was directed against the harmless and unresisting families of French farmers living in Acadia. That this outrage, which words fail to denounce as it deserves, has given us "Evangeline," is the single good that has come to the English name out of this disgraceful evil, only less infamous than the massacre of Glencoe.

In these times of war on its western and northern frontiers, New-York city was the scene of much bustle and excitement. As early as 1755, after Braddock's defeat, De Lancey urged upon the British

ministry the advantages which New-York city possessed for establishing there "a general Magazine of Arms and Military Stores," for the supply of the various armies operating in different parts of the country. The lords of trade entirely agreed with him in this opinion. They therefore proposed that whatever the king should "think proper to order to be sent to North America (except such as are ordered for particular services) should be lodged in a storehouse at New York, under the care of a Storekeeper to be appointed by His Majesty for that purpose, subject to the Controul and direction of the person who shall be appointed to the command of His Maj<sup>ty's</sup> forces there, and of the Gov<sup>r</sup> or Commander in Chief of New-York.\* This, of course, meant business for New York's citizens, a stimulus to trade in arms as well as in farm products, an increase of profits for her merchants; but the arrival of troops was neither so pleasant nor so

advantageous to her citizens. In June, 1756, Sir Charles Hardy, first announced that the Earl of Loudoun was coming to assume command of the army; but actual contact was not had with this brilliant individual until after Oswego had been disgracefully lost



NORTH RIVER SHORE, TOWARDS  
LISPENARD'S, 1861.

to the French. A thousand soldiers of the regular army were then sent down to New York for winter quarters. The old barracks in the fort were fitted up after a fashion for their reception, but there was no room for the officers. The law, while requiring troops to be cared for, contemplated payment for the quartering; but Loudoun treated the provincials much as he would an enemy, and insisted, with profane threats and bluster, upon free quarters. Mayor Cruger firmly resisted the outrage, and, when the arrogant commander could not be brought to reason, led in a subscription among the wealthy inhabitants to pay for the lodgings of the officers in the houses of those who could not entertain them without charge.† Meantime efforts had been going on to put the city in a good state

\* Doc. rel. Col. Hist. N. Y., 6: 1016.

† Smith's Hist. N. Y., 2: 292, 294; Stevens Biog. Sketches, p. 7.

of defense, and on October 27, 1756, Sir Charles Hardy was enabled to write, "Fort George has gone through great repairs and is now completed; two sides and three bastions command the rivers leading to the city, and should properly have heavy cannon mounted for the defence of the harbour. Heavy cannon should be mounted in the Narrows, and upon Nutten Island, a ground, if the enemy should attempt this country with a fleet, they will make themselves masters of, and from whence they can easily bombard the city.\*

Yet while the war cloud hung over the land, the presence of a body of troops in the city every winter led naturally to gaiety and social activity. The earliest dramatic entertainments in the little town were given by officers of the army, who greatly impressed some of the fair and youthful denizens with their histrionic powers, although the more sober elements were disgusted with the folly of their antics. An ancient deed, dated about 1754, of a lot at 144 Fulton street, mentions that it was situated "in the rear of the theatre lot." This, therefore, must have been the site of the first theatre; it stood midway between the present Fulton and John streets, with its entrance corresponding with No. 17 in the latter. In January, 1760, permission was given by De Lancey to build another theatre in Chapel street near Beekman. In the following November it was opened, the tragedy of the "Fair Penitent" being performed. The next night was given the "Provoked Husband," which one cannot help hoping may have been a farce or a comedy to relieve the gloom of the tragedy. The prices charged are fortunately on record: "Boxes, 8s.; pit, 5s.; and gallery, 3s." There seems not to have been made any political "capital" out of this act of De Lancey's. President Colden's experience was very different. A similar license on his part was discussed in the assembly and disapproved; the mayor of the city urged the passage of a law forbidding theatrical performances, and popular sentiment in the future metropolis was so much averse to this form of amusement that in 1766, the theatre in Beekman street was destroyed by a mob. How primitive society in New-York still remained, in spite of the sojourn there of generals in the army and inferior officers, many of whom belonged to the noblest English families, is shown by the fact that in 1757 the wife of General Gates "was generally reported as riding abroad in men's clothes, solely from the circumstance of her wearing a riding habit after the manner of English ladies."

\* Doc. rel. Col. Hist. N. Y., 7: 164.

## JOHN BROWN AS A POPULAR HERO.

Dispassionate history must combat many a popular belief. Prejudice and passion often bury a worthy name fathoms deep in scorn, or exalt a very imperfect idol to a shining throne. It is "Old Ossawatimie Brown" who now comes up for review.

Was John Brown of unadulterated martyr stuff; however impractical or even fanatical, yet a transparent uncompromising hero? If rugged, even severe, was his always a spirit of stern philanthropy? Was his boldness and courage of that crystal sort which scorns only to do a baseness and fears to tell a lie? On such a lofty plane did he become "the liberator of Kansas," a terror only to the enemies of order, justice and humanity? So, by worshipping multitudes, have his life and character been esteemed.

Or, on the other hand, was his the genius of violence and bloodshed? Did he design not so much the freedom of Kansas as the precipitation of civil war? Were his presence and methods a menace, his performance in the main a positive injury, to the Free State Cause. Did he in time of comparative peace provoke "border ruffian" vengeance, inaugurate a reign of terror, and thenceforth go into hiding from the storm he had raised? Was he guilty of conspiracy and murder, of midnight assassinations in cold-blooded atrocity not exceeded in history; and did he find it expedient to cover these deeds with persistent denial, reiterating the lie with his dying lips?

Such are the questions suggested, and answered adversely to the character of Brown by Charles Robinson, the famous Free State leader and "War Governor" of Kansas.\*

As Brown's career came in a time of fierce partizanship, we are not to be surprised either at the horror or the worship he then inspired. Immediately upon the miserable failure of his Harper's Ferry enterprise with his trial and execution, his name was exploited as that of a saint and martyr by a set of impractical philosophers, who were distinguished for their literary powers and influence. Wendell Phillips, Henry D. Thoreau, Ralph Waldo Emerson and

\* The Kansas Conflict, by Charles Robinson. (Harper Bros., 1892.)

Colonel T. W. Higginson are the men who canonized John Brown before he was fairly dead, and their words have gone far to perpetuate a false sentiment concerning the man down to the present time.

While Brown lay in jail at Harper's Ferry, Emerson called him: "The saint, whose fate yet hangs in suspense, but whose martyrdom, if it shall be perfected, will make the gallows glorious like the cross."

Thoreau said: "He could not have been tried by his peers, for his peers did not exist." Phillips declared of the brave old man's dust "the Father of his country would be proud to make room for beside his own." Higginson visited Brown's farm and family in the Adirondacks and wrote an eulogy of the spirit of the man and the sentiments with which he had inspired the simple folks who had come under his influence.

Redpath became his first biographer, and glorified him with all the rhetoric of a special pleader and a fiery partizan. The fact that this writer was a participant in the Kansas difficulties, and personally acquainted with "Ossawatimie Brown," together with his subsequent reputation as a historian, would naturally inspire confidence, and give currency to his account. But in the light of more recent investigations, some of Redpath's statements as well as omissions seem remarkable.

We are all prone to hero worship. The "Concord philosophers" of that time, with the violent Union-hating Abolitionists, seem to have been in need of a hero. John Brown, indeed, had some characteristics which fitted him for the place. He had unflinching courage, a philanthropic enthusiasm, and ambition which left out of sight personal comfort and worldly advantages, a stern religious zeal. These are heroic qualities certainly. They command respect. But they may co-exist with such serious defects of character as may quite modify our admiration. Many a cold-blooded, red-handed inquisitor, many a fiery scourge and persecutor merits a certain respect and admiration for his lofty conscientiousness, while we utterly abhor some of his deeds. Only some such qualified regard for John Brown can survive when we come to understand the facts in his case. Upon this subject fresh and important considerations are brought to bear by ex-Governor Charles Robinson, in his recent volume, *The Kansas Conflict*.

Here is a witness of the highest standing and credibility—unimpeachable, we should say. He is the famous leader of the Free

State party and "War Governor" of Kansas. His moderation, intelligence, and reliability have been tested and approved throughout a long life, and amid most trying scenes and experiences. Yet he does not rest the case upon his own unsupported testimony, but brings an array of facts which is irresistible.

Who were the real saviors of Kansas to freedom—the true "Kansas Liberators?" And what was the agency of Brown, Lane, and the supposed heroes of their class? This is the question proposed and answered in the ex-Governor's volume. If he is to be believed—and in the main he compels belief—certain quondam heroes heretofore worshipped by a large class of our people must take a tumble. That the self-assertive and unscrupulous Senator and General James H. Lane, with Montgomery Jennison, and the like, should come into condemnation, may induce a mild surprise. That "Old Ossawatimie Brown," whose grand, if misguided soul has been supposed to be "marching on" all these years in the train of true martyr spirits, should turn out to be, with whatever morbid conscientiousness, still a cold-blooded butcher, who thought it necessary with the aid of his friends persistently to falsify his conduct, deny his agency and responsibility, and at last to die with the reiterated lie on his lips—this to most of us is astounding. Yet such is the fact clearly proved before Governor Robinson took the case in hand, and acknowledged by Brown's friends, as well as by Sanborn, his later biographer.

In the recent *Life of Abraham Lincoln*, by Nicolay and Hay, Brown's work in Kansas is characterized as follows: "With his sons as a nucleus he gathered a little band of fifteen to twenty adventurers, and soon made his name a terror in the lawless guerrilla warfare of the day. His fighting was of the prevailing type, justifiable, if at all, only on the score of defensive retaliation, and some of his acts were as criminal and atrocious as the worst of those committed by the border ruffians."

This fearful arraignment and condemnation is only confirmed by the accumulating evidence. While the raid on Harper's Ferry has been generally condemned by the North as well as the South, yet multitudes have believed in the man. His error has been attributed to imperfect judgment, a fanatical faith, a morbid sense of duty, a disordered mind, while conceding his integrity, his veracity, the essential justice of his intent, his complete devotion to truth and righteousness. Moreover, his previous course in Kansas was supposed



to have been altogether justifiable and indeed indispensable in that rude struggle which freed the fair territory from pro-slavery invasion and subjugation. Brown was esteemed a "Scourge of God," commissioned from on high, as he himself claimed, to fight fire with fire in a desperate state of affairs which admitted of no less heroic methods.

That Brown, with Lane and others of like spirit and method, were continually thorns in the side of the level headed, moderate, and effective free state settlers, that they favored collision with the Federal authorities, that they had to be repeatedly thwarted and restrained from seriously compromising the cause which they professed to serve, that they instituted and carried forward a system of guerrilla warfare, a system of midnight pillage and murder which greatly aggravated the disorders of the time, instead of suppressing them by judicious and salutary terrors, as claimed—all this for a long time the general public had scarcely suspected. If these things are so—and certainly the proof is strong—the revelation is none too soon. The truth should be fully and widely known, even if somebody's 'idol' turns to 'clay.'

While John Brown and James H. Lane may be classed together as to some matters of method and result, they are world-wide apart as to objects and motives. It is not our purpose here to discuss Lane's career. According to Governor Robinson, and there could scarcely be a more competent or reliable witness, James H. Lane was one of the worst specimens of the worst type of the unscrupulous politician, a low villian, a coward, a murderer, a brilliant, arrogant adventurer, without a touch of real patriotism or a shred of real manhood, who fittingly ended his life with a pistol shot in the mouth by his own hand. Though he does not say it, yet it is plain the one thing for which Governor Robinson cannot forgive President Lincoln is that the despicable Lane was suffered so long to haunt the White House as senator from Kansas, misrepresenting her interests, and exerting such a large and pernicious influence in her affairs both civil and military. Lane seems always to have had the ear of the President, till some of the Senator's performances could no longer be concealed, and his expulsion from the Senate being imminent, he destroyed himself.

But John Brown, although one with Lane in advising and urging on to deeds of indiscretion and violence, was yet a far different man with a totally different motive. His object was not personal aggran-

dizement, revenge, or even the relief and salvation of Kansas, but bloody war upon slavery and all its abettors. As Redpath asserts : He had come to Kansas "not to settle" or "speculate," or from idle curiosity; but for one stern solitary purpose—"to have a shot at the South." ("Roving Editor.")

On May 30, 1854, the Kansas-Nebraska bill, opening these territories to slavery received the signature of President Pierce, and became the law of the land. Under its permission the South made no secret of the intention to appropriate Kansas as a grand addition to slave territory and slave power. The South, intoxicated with one more victory, was confident, aggressive, defiant; the North exasperated, alarmed and despondent. The seat of "the irrepressible conflict," was now measurably removed from the halls of Congress and transferred to the plains of Kansas. The Charleston *Mercury* stated the case as follows :

"By consent of all parties, the present contest in Kansas is made the turning point in the destinies of slavery and abolition. If the South triumphs, abolitionism will be defeated and shorn of its power for all time. If she is defeated, abolition will grow more insolent and aggressive, until the utter ruin of the South is consummated."

The slave power had every advantage from the control and active sympathy of the general government, from the prestige of thirty-five years of unbroken political supremacy, and from the position of Kansas buttressed on the east with a slave state, from which it could be entered by Missouri hordes in a single day's march. Phillips, Garrison, Parker and others, of the American Anti-Slavery Society, despaired at once, and upon the passage of the bill gave up the territory as the inevitable prey of slavery.

But not so the more moderate and practical anti-slavery masses. The country by solemn compact dedicated to freedom had been opened to slavery, yet they saw that to go up and possess the land would be to redeem it. Slavery must now be out-populated and outvoted on the ground. At once Northern as well as Southern settlers began to pour in. Eli Thayer was the man raised up of Providence and inspired with wisdom and indefatigable energy to be the apostle of the Free State emigration scheme. To him is due the first organized effort to encourage and aid in every way to promote the settling of the territory with northern families, and to him is largely due the perennial force and tremendous success of

the movement. His the distinction of having a price set on his head by the slave power "whether he be taken dead or alive." He travelled sixty thousand miles and made hundreds of addresses proclaiming hope, and persuading the people to unite in the crusade for freedom in Kansas. He had grand support in his work from Amos A. Lawrence and many others. In Kansas itself, Charles Robinson became the agent of the Emigrant Aid Society, and a remarkably able, moderate, courageous and effective leader of the Free State party. About one month after the passage of the bill organizing the territory, Robinson was on the ground, and not many weeks later he received the first party of emigrants from Boston. They laid out the town of Lawrence.

The first election, for a territorial delegate to Congress, occurred in November of 1854, and was the signal for an invasion of Missourians. About two-thirds of the votes cast were by non-residents. On March 30, 1855, came the more important election of a territorial legislature. Governor Reeder had promised a fair election. However, the Missourians again invaded the land "with great ostentation, with arms of every description, including cannon. They were detailed in every district in sufficient numbers to secure every member of the legislature, should their votes be counted. So open, unblushing and overwhelming was the demonstration, that it defeated itself." In the end it did so, but not at once, as the Free State men supposed must be the case. In spite of his protestations, and unaccountably it would seem in view of the general probity and justice of his character, Governor Reeder, after a few days of indecision, issued certificates to a large majority of the men thus chosen by these invaders. The utterly fraudulent character of this legislature was patent to the entire country and could not be denied. Yet this body could enact a slave code, provide for all future elections to be controlled by its own appointees, including one for a constitutional convention; and this it proceeded to do. Moreover, it soon became evident that this bogus legislature, foisted upon a people by such outrageous means, would be endorsed by the territorial judiciary and the President. There would be no escape by another election for two years at the least.

How to resist this flagrant usurpation, repudiate and nullify all the proceedings of the bogus government, to consolidate and harmonize their own forces, and yet to avoid all collision with a federal power bent upon their subjugation, was the problem set for the Free

State men. To this end the subject of State organization was agitated and the "Topeka Constitution" formed. This served its purpose admirably as a repudiation of the unlawful territorial government, and a rallying point for all Free State factions and elements. About the time of this movement John Brown appeared on the scene; and Lane, up to this time a pro-slavery Democrat, now in expectation of the senatorship, definitely allied himself with the Free State party. Brown was disgusted with the Free State people.

While the matter of the constitution was pending, occurred the "Wakarusa War." Dow was wantonly slain by Coleman. The citizens at Hickory Point, the scene of the murder, called a meeting and denounced the outrage. The next night Jones, of Weston, Mo., but sheriff under the bogus government, of Douglas county, Kansas, appeared with a posse of fifteen men and arrested Mr. Branson, who had been Dow's landlord. A party of Free State men of about the same number, under the lead of Col. S. N. Wood, intercepted the sheriff's posse and rescued Branson. Governor Shannon by proclamation called out the militia to enforce the laws. Lawrence assumed no responsibility for the rescue. Only three of her citizens were engaged in it. But understanding it would be made an occasion against her, when squads and companies of armed men began to arrive at Franklin and Wakarusa, the committee of safety organized thorough measures of defense. The Free State men flocked in from the neighboring settlements, many armed with the dreaded Sharpe's rifles. About two thousand armed men, mostly Missourians, assembled at the Governor's call. Of course the desire was for some pretext "to wipe out" Lawrence. And first they were especially anxious the Lawrence rebels should surrender their Sharpe's rifles. Robinson, who commanded in Lawrence, proposed another "Missouri Compromise"—to keep the rifles and surrender the contents. The people were prepared and determined to defend the city and their homes against a mob, yet they were extremely careful not to allow any collision with Federal authority, and, having resisted no process, they knew they could not with any semblance of law or reason be assaulted or disarmed. The result justified their moderation and wisdom in standing strictly on the defensive. The Governor soon saw his mistake and was only too glad to effect an understanding and get rid of his army without bloodshed. The hordes went back chagrined, and dissolved without striking a blow. The only life lost by this invasion was that of poor Barber,

wantonly murdered by the government Indian agent, Clark. But had Lane or Brown controlled it would have been far different. Lane endeavored to bring on a conflict; and persisted in the design of making a night attack on the militia, until he was threatened with arrest. John Brown, who did not arrive till negotiations for peace were begun, proposed the same violent course. It is easy to see, had the counsels of these men prevailed, not only would an immediate carnage have ensued, but the Free State men, instead of receiving sympathy, aid, and encouragement, would have fallen under the condemnation of the entire country.

This incident illustrates the condition throughout. With numerous marchings and countermarchings of armed bands, with infinite bluster and threats, and some few cases of personal violence, yet at the close of 1855, more than eighteen months after the opening of the territory, only five persons it appears had been killed; two pro-slavery men, Henry Davis and Malcolm Clark; three Free State men, C. W. Dow, Samuel Collins and Thomas Barber.

The second attack upon Lawrence occurred May 21, 1856. Another pro-slavery army assembled at the call of the United States Marshal, J. B. Donaldson. The Free State men still adhered to the policy of non-resistance to the semblance even of legal authority. But this did not prevent a shameful and unprecedented outrage. After making a few arrests, the Marshal's deputy disbanded his posse to be immediately enrolled as a sheriff's posse, by the notorious Jones, who proceeded to destroy the two printing establishments and the Eldridge Hotel, while many stores and private houses were entered and pillaged. Of course, such an outrage could only react against the perpetrators, and the government by whose permission it became possible. The next move was the indictment under the remarkable instructions of Judge Leconte, of the Free State leaders by the grand juries and their arrest for "constructive treason." Treason not being aailable crime, a half-dozen men, Robinson among them, were kept in durance for several months.

Still, all these astonishing measures had not established nor indeed advanced the pro-slavery cause. They deserved and received only execration from honest men. The territorial government remained in contempt. The entire North was aroused; and Kansas filled more and more rapidly with Free State settlers. Plainly the usurpation could not last.

At this point John Brown inaugurated a new conflict—a system of guerrilla warfare—inaugurated it by a deed so cowardly cruel, so cold-blooded and atrocious, it could not fail to excite in that rough border a wild thirst for vengeance, and call for fearful reprisals, which yet at the worst were never able to exceed the original horror. It was done in midnight darkness, and Brown, for whatever reason, saw fit to deny it, and to have his friends deny it—but he did it. He denied it with his dying breath—but he did it—wholly by his own order, and partly with his own hand. The Concord philosophers, be it said, when they eulogized him, believed him—thought him incapable of a lie.

Here are the facts taken from the statement of James Townsley, and acknowledged to be substantially correct by Brown's son, and by Sanborn, his more recent biographer.

"After my team was fed and the party had taken supper, John Brown told me for the first time what he proposed to do. He said he wanted me to pilot the company up to the forks of the creek (the Potawatomie), some five or six miles above, into the neighborhood where I lived, and show them where all the pro-slavery men resided; that he proposed to sweep the creek as he came down of all the pro-slavery men living on it. I positively refused to do it."

On account of this refusal the expedition was postponed till the next night. In the meantime, Townsley wanted to take his team (the only one), and go home, but was not permitted.

"The next place we came to was the residence of the Doyles. John Brown, three of his sons, and son-in-law, went to the door, leaving Frederick Brown, Winer and myself a short distance from the house. \* \* \* The old man Doyle and two sons were called out and marched some distance from the house toward Dutch Henry's, in the road, where a halt was made. Old John Brown drew his revolver and shot the old man Doyle in the forehead, and Brown's two youngest sons immediately fell upon the younger Doyles with their short two-edged swords. \* \* \* Wilkinson was taken and marched some distance south of his house, and slain in the road, with a short sword by one of the younger Browns. After he was killed his body was dragged out to one side and left. We then crossed the Potawatomie and came to the house of Henry Sherman, generally known as Dutch Henry. \* \* \* They afterwards brought out William Sherman, Dutch Henry's brother, marched him down into Potawatomie creek, where he was slain by swords by

Brown's two youngest sons, and left lying in the creek. It was the expressed intention of Brown to execute Dutch Henry also, but he was not found at home. He also hoped to find George Wilson, Probate Judge of Anderson county there, and intended if he did to kill him too. Wilson had been notifying Free State men to leave the territory. I had received such a notice from him myself."

Brown and his friends saw fit persistently to deny any participation on his part in these foul murders. Yet, as they were evidently perpetrated by Free State men, it seemed necessary to justify them, or at least to apologize for them. Hence Redpath and others, pictured the victims as the blackest of villains, who had already marked the Free State men for destruction, and some of whom had "offered the grossest indignities to a daughter and daughter-in-law of the old man." But these stories appear to be pure inventions. We do not learn that the Browns themselves ever claimed anything of the kind.

Threats in those times were as plenty as grasshoppers ; but the stubborn fact remains that this was the first horror of its kind in all that region—in the territory or any part of the border. Up to this time we have no account that a single political murder had occurred south of Douglas county. From Townsley's testimony it is clear "Brown was not hunting for criminals who had insulted his family, driven off his stock, killed his son or any one else, but simply for pro-slavery men." To him belongs the infamy of taking the initiative in a system of horrible midnight butchery, in cold-blooded atrocity seldom equalled and never exceeded. In a meeting "of citizens of Potawatomie creek, without distinction of parties," held three days after the killing, they declared : "Whereas, an outrage of the darkest and foulest nature has been committed in our midst by some midnight assassins unknown, who have taken five of our citizens at the hour of midnight from their homes and families, and murdered and mangled them in an awful manner ; to prevent a repetition of these deeds, we deem it necessary to adopt some measures for our mutual protection, and to aid and assist in bringing these desperadoes to justice." Active in this meeting were some of the most radical Free State men of the territory ; but in all the resolutions which follow not one word of palliation for the horrible deed is uttered. Such was the verdict at the time and in the place where the crime was committed.



We see this horror cannot be justified nor excused on the plea of "defensive retaliation." It was not the culmination of a long string of outrages suffered until "endurance ceased to be a virtue," and thus required to strike terror into the heart of the adversary. On the contrary it originated, introduced and provoked that system of brigandage and murder, which desolated that border in the following months.

That the outrage was unprovoked is further shown by Brown's own testimony, in January, 1857, before the Massachusetts Legislature, as follows :

"You ought to remember that from the date of the Shannon treaty (early in December, 1855) till May last (1856; the month of the Potawatomie murders) there was perfect quiet in Kansas; no fear of renewal of hostilities; no violence offered to our citizens in Missouri; I frequently went there myself; was known there, yet treated with the greatest kindness."

True, at the time of the murders the despicable attack upon Lawrence, with the destruction of the printing presses, hotel, and other property had just occurred. But shameful outrage as it was, it had been done under the color of law by the organized mobs of a sheriff and a United States marshal. It had stirred the indignation and earned the execration of all honest men; but with all, as far as appears, not a single life had been sacrificed; and crowned with their appropriate infamy, the brutal hordes were peaceably retreating to their homes. At such a moment the John Brown horror broke upon them, supplied them a cause, and awoke the tiger of retribution. To old John Brown, the midnight assassin, afterwards "the Ossawatomie hero," must be brought home a large responsibility for the fearful state which followed.

From that night he himself went into hiding. It was after this that his son was killed, and his sons' cabins reduced to ashes. From that moment onward his life in Kansas became that of a fugitive or a bandit.

He had some great qualities,—he championed the oppressed, he could unflinchingly sacrifice himself and all his family, he had a religious zeal and a lofty but distorted conscience. It is a very unfortunate selection when we make of such a man a popular hero.

A. E. ALLABEN.

### SAMUEL GORTON.\*—I.

While the early settlers of Rhode Island were busy making history, their adversaries were as busy in writing it. The strong adverse bias of the early Massachusetts writers against the settlers of Rhode Island, is impressed upon the writings and records of the Puritan Colony, and embarrasses every student of Rhode Island history, in his exertion to represent the founders of the state precisely as they were.

In the main, this bias of the adversaries of these founders, was grounded in an honest conviction, in which all Christendom was at that time involved, and we might as well censure the Puritans for not having built lines of railroad, or for not having in use the telegraph, as to censure them for exiling Roger Williams and his friends from their commonwealth. They acted up to the light given them and their conduct was in accord with the spirit of the age in which they lived.

I say this much, because without this explanation, the repetition of facts which I may find it necessary to state upon the subject on which I am about to write, may authorize the inference that I entertain a different opinion.

These settlers were men of different mental, moral and social standards, whose blended opinions and actions were mainly instrumental in formulating the institutions of Rhode Island. Roger Williams, who, if greatness consists in exercising the most beneficial influence upon his own and succeeding generations, deserves to be counted as the greatest man in colonial New England.

William Coddington, one of the Lincolnshire county gentlemen who resisted the attempts of Charles I. to levy taxes and govern England without a Parliament, and suffered for it in his native country—a man of high spirit and lofty courage, as he demonstrated upon the trial of Ann Hutchinson—of great wealth—the author of the code of laws of 1647, and who, by his influence with Governor Andros and his council, in the time of Philips' war, after the "Swamp fight," when Philip sought to make his way north to procure the Northern Indians under the control of the French Jesuits,

\* Read before the Rhode Island Historical Society, in February, 1893.

to join him in subduing New England, induced them to start a military force to drive Philip back beyond the Connecticut, and Andros himself to go to Albany and rally the Mohawks about him to drive back the Northern Indians, already on the way to unite with Philip, and thus materially contributed to bring to a successful close this dreadful war—was the leader in the settlement of the island of Rhode Island. The act that mars Coddington's life is, when charges of being peremptory in his manners and presumptuous in his office were made against him, by Samuel Gorton and others, to prevent his induction into the office of Governor, to which he had been duly elected, that he went to England and procured a commission to be Governor of Rhode Island and the islands in the Bay, for life.

John Clarke, who, sixteen days after he arrived in Boston, was ordered to leave Massachusetts, presumably because he did not have the consent of two magistrates to remain there, was instrumental in founding the first church in Newport, which, from Coddington's letter to Winthrop, appears to have been founded before December 9, 1639. He was its first minister. Lenthall, who had found his Massachusetts home unendurable because he advanced the heresy that baptism was necessary for admission to church membership, and that baptism could only be had upon confession of faith, came to Clarke's assistance in the last days of February, 1639-40. Lenthall was chosen school-master by the town and paid by its funds, and opened a free school, sustained by the public charge, in August, 1640. Lenthall, afterwards, returned to England, and there was probably the chaplain, at Hampdenshire, and he, or another person bearing his name, preached the funeral sermon of John Hampden. The great merit of Dr. John Clarke was in procuring the charter of 1663.

The last of the men to whom I refer, is Samuel Gorton—the most abused and least understood man of his time. Every one who has written of Gorton, but the late Chief-Justice Brayton, has given him a bad name—above which, Judge Brayton has sought to elevate Gorton's character. Among the early monographs largely devoted to Gorton, is one by Edward Winslow, entitled "*Hypocrisy Unmasked*." I entertain the opinion that Judge Brayton consulted only extracts from Winslow's book, published in the Historical Genealogical Register. The work is exceedingly rare. I have in my possession a full manuscript copy of the book, taken from the

copy in the British Museum. Its statements of facts are so exact in their details, are so clearly stated, that they seem to be entitled to confidence, but in many of the writer's conclusions from the facts stated, I do not concur. I say this much because this book, in discussing the character of Gorton, contains statements which should be considered.

This extraordinary man was born in Gorton, in England, it is said, about A. D. 1592. He arrived in Boston in 1634, and went to Plymouth, in 1637. In Plymouth, he was soon involved in difficulty—for, on the 5th of November, 1638, he was before the General Court, and was then required to give surety for keeping the peace, in £40, and Edward Doty was his surety. Upon going to Plymouth, June 7th, 1637, Gorton had hired a part of the dwelling house of Mr. Smith, for four years. He was in the habit of having family prayers and other religious services, which Mrs. Smith was in the habit of attending to her edification. Ellen Aldridge, a widow, at Plymouth, had smiled in the congregation in "*Meeting*;" Gorton claimed her to have been a woman of good repute in England; she had recently come to Plymouth, where she was proceeded against for offensive speeches as well as for having smiled in meeting; she fled to the woods, where she remained several days, to escape the shame of a public trial. Gorton espoused her cause with considerable zeal. He became surety for her appearance in Court, on November 5, 1638. It is alleged, in the Plymouth records, that Gorton and his wife helped to convey Mrs. Aldridge away, whereupon it was voted, that if she were again found in Plymouth Colony, that she be arrested by the constable and sent from constable to constable, until she was back from whence she came. Gorton had become obnoxious to his landlord, Mr. Ralph Smith; the cause for this can only be conjectured from known facts. Smith had Gorton before the Court with the view of having him ejected from his house—the judgment of the Court was adverse to Gorton. So that, on December 4, 1638, Gorton had been before the Court on two occasions—once in the Aldridge case, and once in his own case; on the later date, he was brought before the Court for a misdemeanor in open Court towards the Elders and the Bench, and for stirring up the people to mutiny in the presence of the Court, and was then fined £20, and was ordered to leave the Colony in fourteen days, and in the meantime to find surety for his good behavior in £40, and that he would depart out of the Colony within the fourteen

days. Thomas Atkinson was his surety. Winthrop says that "he was bound and in the face of the Court, he broke his bond." On the same day from the record it appears, that he was committed to ward for the want of surety, and £10 of his fine was remitted. Gorton says there was no reason known to him why Smith should take offense against him, but the fact that Smith's family attended his morning and evening religious services. "The time for his departure from Plymouth fell to be in a mighty snow storm, as he had seen in this country." His "wife being turned out of doors in the said storm with a young child sucking at her breast." From Plymouth Gorton went direct to Portsmouth.

The records of Plymouth and the declaration of Gorton demonstrate that Staples and Callender were in error in supposing that Gorton came to Rhode Island before June 20, 1638.

Upon his arrival at Portsmouth, Mr. Gorton at once assumed and contended that the government there organized, in the absence of a charter from the Crown, was illegal and of no obligatory force upon the inhabitants. He soon gained a considerable number of converts to his contention—among the most outspoken of whom, were Richard Carder, Randall Holden, Robert Potter and Sampson Sholten—others, less outspoken, evidently had more or less sympathy in opinion with Mr. Gorton. The men in the government, to avoid a controversy with so persistent a controversialist as was Mr. Gorton, withdrew from Portsmouth and removed to and in the following spring (1639) laid the foundation of the town of Newport. But no sooner had the men in the government resolved upon a removal and entered upon the execution of the resolve, than did Gorton and his friends attempt to organize a municipal corporation. The primary difference, between those who remained at Portsmouth and those who removed to Newport was, that the latter acknowledged allegiance only to God and bound themselves to obey his laws, while Gorton's party acknowledged allegiance to the King and agreed to be bound by his laws, according to matters of justice.

March 12, 1640, the most important persons in the Gorton government abandoned it and petitioned to be re-united to the people of Newport. If there had been a pre-existing organized civil society at the time of the organization of the Coddington government, there can be no doubt that the contention of Gorton would have been well founded ; but government is a necessity and

the presence of the necessity upon the settlers of Acquidneck, was alike the authority and the limitation upon the authority, to establish and maintain a government. The Coddington party, in the absence of the King's authority, might well say, that they had no right and in the absence of the right, they were unwilling to incur the risk of using the King's name in the organization of the government; while Gorton, in the absence of this authority, did not hesitate to use the King's name and claimed to be acting within his allegiance.

The government in Providence, acting under a similar compact to that established in Newport, sought to enforce its authority by punishing its delinquent subjects for a breach of the covenant, embraced in their compact, while the government in Newport proceeded against delinquents as for violations of law. The Providence people did not seem to appreciate that the enforcement of a breach of covenant by legal process, was as much an assertion of authority in law for the organization of government, as that exercised in Newport.

Gorton's conduct, after his enforced removal from "The Island," in Providence and at Pawtucket, was consistent with his early conduct in Portsmouth; notwithstanding his signing of the compact at Portsmouth, of April 30, 1639, in Providence he persistently denied the authority of the government under their compact; at Warwick, which was a settlement dominated by himself and his friends, he made no attempt at instituting a government until after the receipt of the charter of 1643-4.

There is no evidence sufficient to justify the conclusion that Gorton was not honest in the assertion of the principles that the Colonial government based upon the consent of the Colonists, in the absence of the King's authorization, were insufficient in law to command the obedience of the subjects of the government; the violence of conduct exhibited by Gorton in resisting the constituted authorities, is probably attributable to this conviction of right, aggravated by infirmities of temper.

At "The Island" Gorton and a poor widow happened to improve adjoining lands in 1641. The widow's cow escaped into Gorton's field. Gorton's maid went to drive out the cow and proceeded to beat and use violence upon her. The widow went to rescue the animal and attempted to drive her home—whereupon the maid seized the widow by the hair and pulled her over and

beat her. The widow went to Nicholas Easton, who was then a magistrate, and complained of the maid for the assault and battery, for which the maid was bound over to the Court of Trials, presided over by Coddington, who had for assistants, Nicholas Easton, William Brenton, John Coggeshall, William Hutchinson and John Porter. The court had a grand and petit jury, and William Dyer was the attorney-general. When the case was called, the maid did not appear, but Gorton did appear and insisted that he might take the place of the maid and assume the responsibility of her acts for her, and Gorton proceeded to discuss his right to appear and to deny the authority of the court and its legal existence. He attacked the court and especially Mr. Easton, with great violence, calling him "a just ass," and "Lawyer Eaton," and finally said that his "ears had been cut off long ago" (meaning that he had been cropped for crime), and using other like offensive language to the court generally. This having all taken place in the presence of the grand jury and the attorney-general, they retired from the court and after a time returned an indictment (a copy of which is yet extant) against Gorton, for contempt of court, and to this indictment Gorton was put to plead. Though it was intimated to him that he might have time to prepare for his defense, he insisted upon having an immediate trial, which was given him, and he was found guilty—at this he was highly indignant and protested against the right of the court to act as a court and to try or sentence him. The issue thus made up involved the rightful existence of a government in the colony. The court was equal to the exigencies of the case—it sentenced Gorton to be first whipped and then to depart from the colony. In the midst of a new outburst of passionate harangue, Gorton claimed an appeal. Coddington calmly told him that the court would allow his appeal, but it would first have him whipped. After he was whipped and as the members of the court were leaving, he broke away from the officer and ran up to Coddington and told him that "this whipping is only lent." Gorton then left Newport and went to Providence. At this time Gorton had active partisans on "The Island," who were willing, if the occasion arose, to fight for him, and there were others, whose sympathies were with him, yet their sympathies did not carry them to the extent of open resistance.

After Gorton's removal to Providence he resisted the power of the government there, as he had done at Acquidneck, and presuma-



bly upon the same ground on which he denied the validity of the government at "the Island"—that is, the want of royal authority for its institution. This conduct of Gorton's gave rise to the charge that he was opposed to all civil authority, but the life and conduct of Gorton afford abundant evidence that his opposition to the government in Rhode Island, arose from and was limited to the want of royal authority for its institution. In Providence, Gorton soon rallied around him adherents, who adopted his views of both civil and religious policy.

Under their general compact, the founders of Providence had instituted a court of arbitration and clothed it with power to hear and determine causes arising between parties, and to execute its judgments. Under this jurisdiction, a suit was instituted against one Francis Weston, of Pawtuxet, an adherent of Gorton, and a judgment was entered therein for £15, in favor of one William Field, and execution was awarded upon the judgment. The officer charged with the service of the execution went out to Pawtuxet to serve it, taking aid with him, and intending to levy the execution upon Weston's cattle. Gorton and his friends, aware of the coming of the officer and of his purpose, rallied for the defense of Weston and his cattle, and determined to resist the execution of the legal process by force.

Weston, armed with a flail, followed by his adherents, after some blood was spilled on each side, succeeded in scattering and rescuing the cattle from the officer, and in defeating the service of the process—Gorton, Randall Holden, John Greene and some others took part in this affray with Weston.

Gorton had not been allowed to become a purchaser, a freeman, or an inhabitant of Providence, but Robert Coles had given Gorton a part of his lands at Pawtuxet, as had John Greene, and in this way he became interested in the lands at that place.

Roger Williams, in a letter of March 8, 1641, refers to Gorton thus: "Mr. Gorton, having lowdly abused both high and low at Acquidneck, is now bewitching and maddening poor Providence, both with his unclean and foul censures of the ministers of this country, for which myself have, in Christ's name, withstood him—and he also denying all visible and external ordinances in the depth of familism, against which I have not a little disputed and written. All suck in this poison as at first they did at Acquidneck, some few and myself do withstand his inhabitation and town privileges, without

confession and reformation of his uncivil and inhuman practices at Portsmouth."

William Arnold, May 25, 1641, wrote: "It is also evidenced and may easily be proved, that the said Gorton nor his company are not fit persons to be received in and made members of such a body, in so weak a state, as is our town at present. My reasons are, *first*: Samuel Gorton having showed himself an insolent, railing and turbulent person, not only in and against those state governments from whence he came, as is to be proved, but also has in this town, since he was sojourned in the town, in such an inhuman behaviour, as becomes not a man that should be thought to be fit, by any reasonable man, to be received into such poor, weak state as we are at present."

Governor Coddington, writing November 11, 1646, says: "Mr. Gorton and his company, they are to me as they ever have been—their freedom of "the Island" is denied and was, when I accepted the place I now bear. The commissioners have joined them in the same charter, though we maintain this government as before."

The deed of Shawomet (Warwick) from Miantonomi, dated January 12, 1642, was to Randall Holden, John Greene, John Wickes, Francis Weston, Samuel Gorton, Richard Waterman, John Warner, Richard Carder, Sampson Sholten, Robert Potter and William Wordell; these associates were the adherents of Gorton; Wickes attempted to resist the officer when he endeavored to execute upon Gorton the sentence of the court at Newport, and was then put in irons—Carder, Potter and Sholten were all disfranchised and had their arms taken from them at that time. Weston was the man whose cattle were rescued from attachment by the party, on the 15th of the preceding November.

The successful resistance of Weston and his friends to the service of the execution against him, tended to accent the necessity existing for a colonial charter. Whereupon Roger Williams was prevailed upon to go to England to obtain a charter for the colony. Preparatory to his undertaking this journey and to obtain the necessary means to defray the expenses of the journey, he sold his trading-house and his great guns at Narragansett to Richard Smith and possibly his half of the island of Prudence.

Williams went to England, and in March, 1643-4, he obtained a charter from the Council of State for the Providence Plantations. There is a difference between the record of the grant of the

charter and the charter itself. The record says, the power of government granted, shall be "in accordance with the King's letters patent to the plantation of Massachusetts," but in the charter, there is no reference to this paragraph contained in the record, but this was not material, as the charter was signed by the members of the Council of State, who had the power to modify the grant made in the record. The ordinance of Parliament constituting the Council of State, was passed on the second of November, 1643, and it appears surprising that the charter was ordered so soon thereafter as December 10, but Sir Henry Vane was a member of the Council and he had an intimate personal acquaintance with many of the leading men in the Rhode Island Colony. A government was not organized under the charter until 1647. This delay probably arose from the secondary place given to Newport in the charter, and the disinclination of Coddington and his friends to be united in a government with Gorton and his associates.

Though Coddington was chiefly instrumental in framing the code of laws under which the new government was organized in 1647, there can scarcely be a doubt, that the causes which delayed the organization of the government, aided by the hostility of a few persons in Newport to Coddington, reacted upon Coddington and for a time crippled and well nigh overthrew the new government.

Robert Coles, who had given Gorton half of his undivided lands at Pawtuxet, withdrew his adherence from Gorton and united in the attempt to transfer his allegiance to Massachusetts with William Arnold, William Carpenter and Benedict Arnold, who had become greatly exasperated against Gorton and his associates; these persons had also had a difficulty with Roger Williams, arising out of the Indian grant of the lands of Providence and about Pawtuxet—from the fact, that upon the face of the grant to Williams, it was made to him personally, without words of limitation or extension—whereupon Arnold and his associates, unmindful that all Indian grants of lands up to the time of Williams' grant, rested merely in parole and were not in writing—contended that the grant was to Williams for life only and was without words of inheritance, and the new grant procured by Arnold and his friends, extended the boundary of the grant "up the Pawtuxet stream without limits." This greatly offended Williams, who contended that the extension of the boundaries "up stream without

limit," "was an ingenious fraud upon the Indians, who did not understand the force of this language." The indignation of Williams, expressed in strong language, added to the hostility of Gorton and his associates, induced William Arnold and his sons, Benedict and Stephen, and his son-in-law, William Carpenter, and Zachary Rhodes, with Robert Coles (Cole) to apply to the General Court of Massachusetts, at its meeting September 8, 1642, to take them and their lands under that jurisdiction and submitted their persons and estates to the jurisdiction of that colony. This involved the Rhode Island Colony and especially the town of Warwick, in many difficulties and was undoubtedly a violation of the allegiance of the seceders to the colony of Rhode Island. May 26, 1658, William Arnold and William Carpenter petitioned the General Court of Massachusetts to be discharged from their subjection to that colony, and on June 1, 1658, their associates united in their petition, when by an act of the court therein, the petitioners were released from their subjection to that colony, and the claim of Massachusetts to jurisdiction of any part of Warwick was thus determined. But this attempted submission of Arnold and his adherents, was the occasion of inflicting a great wrong upon Gorton and his friends, and affixing a lasting stigma upon the names of the founder of the Massachusetts colony.

This incursion aroused a strong feeling among the people of Providence, and Chad. Brown, Thomas Olney, William Field and William Wickendon, all of whom, but Mr. Field, were or afterwards became clergymen, addressed a letter to the Governor of Massachusetts. These writers were the citizens of Providence, who were present as witnesses as the opening of the parley. They informed the Governor of Massachusetts, that the claims made by Captain Cooke upon the Warwick settlers were, *first*: That the settlers should get off the Indian ground, into which, the commissioners said, they had intruded; *second*: For satisfaction about a book, wherein, the commissioners said, there were gross things penned; *thirdly*: For satisfaction for wrong done for both Indians and English; *fourth*: For charges, which the commissioners said, the settlers had caused by forcing this army.

Gorton and his adherents answered these charges. To the *first charge*, As to the title of the territory—they said the territory was theirs, that they had purchased it of Miantonomy and Pomham, and paid them for it and had title to it. *Second*. As to the book

and its contents—they were willing to submit that matter to indifferent judges, both as to the contents of the book, and the satisfaction. As to the *third charge*—If they have done any wrong, they were willing to make full satisfaction. As to the *fourth charge*—if the arbitrators should determine that they were the cause of raising the force, they would give satisfaction for that.

The witnesses suggested the settlement of the controversy upon the basis of arbitration as proposed. To this letter, Governor Winthrop replied, declining to interfere and advising that no violence should be done them by the soldiers or injustice by the Court in Boston. Upon the return of the messengers from Boston, the soldiers first proceeded to gather all the cattle of Gorton and his friends and gave notice the truce was at an end. The soldiers at once entrenched themselves and opened fire upon the unfortunate settlers, who had raised the English flag, but the soldiers repeatedly shot away the flag; Richard Scott and William Harris, aware of the return of the messengers from Boston, immediately repaired to the scene of hostilities, and spoke with the commissioners, who warned Scott and Harris, that if they attempted to communicate with the Warwick people, that they would be regarded as enemies, and would be fired upon as such. The fire of the soldiers was kept up upon these settlers for several days, and until the approach of the Sabbath—when Gorton indulged the hope that the sanctity of the day would afford them a day of rest—but in this, he and his friends were disappointed, for on the Sabbath morning, fire-works were prepared with the intention of burning the house, which had served as the settlers' fortress. The fire that was set to burn the house was extinguished. During all of this time, Gorton and his friends, though they had arms, did not fire upon their assailants. The soldiers attempted to take Gorton and his friends by assault—but the assault was repelled and the soldiers sent to Boston for an additional force. In this state of affairs, another parley was had and Gorton and his friends, (with the exception of John Greene, who had made his escape) consented to go to Boston upon a composition—for they had raised a point, as Gorton alleges, where they must use there weapons, surrender, or be put to the sword.

"It was agreed that they should go to Boston as citizens and freemen and not as prisoners." This agreement being made, the soldiers desired to see their houses. They were invited in and

given such provisions as the settlers had, but the soldiers treacherously seized their arms and then demanded that Gorton and his friends should be treated as captives in war, and that if any one attempted to escape, he should be knocked down or be run through. They took from the settlers about eighty head of cattle, besides hogs and goats—these, the assailants divided among themselves, upon the principle that "to the victor belongs the spoils."

Whatever might have been said of Samuel Gorton and his adherents, before he and they were attacked in their own homes, by Massachusetts soldiers and carried to Boston, and paraded and humiliated before the door of Governor Winthrop, and arraigned in Court—where they demanded of the Governor that they should receive the treatment they had stipulated for upon their surrender (the Governor said to them that he cared not for the stipulations of Captain Cook, that they were now in his possession as prisoners, and that he would commit them to jail without bail). Gorton and his immediate adherents were at once, in the average opinion of mankind, canonized as martyrs, and the conduct of the soldiers, and indeed of the governing power of the Puritan colony, had earned for themselves the universal condemnation of posterity. But what followed upon the Warwick people on their arrival in Boston, aggravated the wrongs inflicted upon them, taking either Winthrop's account, or Gorton's, of their trial and sentence. The description of the trial and proceedings, in Boston, as given by Winthrop and Gorton, are generally in accord, but differ in one important particular. Gorton says, upon their arraignment before the Governor, Mr. John Winthrop, unto whom we complained how the Captain had used us, contrary to our articles, told me, "Whatever the Captain might express unto us, his (Winthrop's) intent was to have us as captives and their captives we now were—and unto the common jail we must go, without either bail or mainprize."

Winthrop says, that when the prisoners were brought before him and were delivered into our hands "They pleaded in their excuse, that they were not of the jurisdiction and that though they had yielded themselves to come and answer before us, yet they yielded not as prisoners." The Governor replied "That they were brought to him as taken in war and so their commissioners had informed him, but if they could plead any other matter or agree-

ment the commissioners had made with them, they must and should perform it." They made no further answer, but were committed to the marshal to be conveyed to the common prison." Gorton appears to rest the case of the prisoners as based upon a stipulation entered into with Captain Cook, but the Governor ignored Captain Cook in the matter of the terms of the capitulation and says that if the commissioners made any stipulation that he would carry out the stipulation made by them. This view of the question reconciles the statement of facts between Gorton and Winthrop, and in view of this mode of reconciling this discrepancy, the fact becomes important, which is stated by Governor Winthrop, that before the arraignment of Gorton and his friends, he "had a private interview with the commissioners." This mode of reconciling this testimony manifests a disposition on the part of the Governor to quibble with these persons, whom he was putting on trial, by showing that they made terms with a military commander, who went with an armed force to arrest them, whose command for more than a week had besieged their houses, and not with the commissioners, who had joined the military force, and between two of whom, Johnston and Atherton, and the Warwick settlers there existed a very bitter animosity.

Winthrop says, "The next Lord's day in the forenoon, the prisoners would not come to the meeting, so the magistrates determined they should be compelled. They agreed to come so as they might have liberty after the sermon to speak, if they had occasion."

The magistrates' answer was, that they did leave the ordering of the things in the church to the elders, but there was no doubt but they might have leave to speak, so as that they spoke the words of truth and sobriety. So, in the afternoon, they came and were placed in the fourth seat, right before the elders. Mr. Cotton taught, pleading for Diana's Silver Shrines and Temples, etc.

After sermon, Gorton desired leave to speak, which being granted, he repeated the points of Mr. Cotton's sermon, and coming to that of the "Silver Shrines," he said, that in the church, there was nothing now but Christ, so that all our ordinances, ministers, sacraments, etc., were but men's invention for show and pomp, and no other than those *silver shrines* of Diana. He also said that if Christ lived eternally, he died eternally.



When the General Court assembled to try the accused, there were present the Governor, magistrates and deputies, with the elders and ministers, (who were present to assist at the trial by their advice) and a large assembly of the populace. It was "lecture day" when the accused were brought forth from prison. The Governor arose and stated to the accused the cause and manner of the proceeding against them. The letters, one from Gorton and one from Randall Holden, were then read. Their answer was : *First*. That they were not personally within the jurisdiction of Massachusetts. To this, the Governor answered, that they were either within Plymouth or Mr. Fenwick's, and *they* had yielded their power to Massachusetts in the proceedings, and if the accused were under no jurisdiction, then Massachusetts had none to complain to for redress of its justice and they must right themselves by force of arms or else sit still under all their reproaches and injuries, among which the prisoners uttered this insolent passage : "We do not more disdain that you should send for us to come to you, than you could do, if we should send for the chiefest among you, to come up to us for you to be employed to our pleasure in such works as we should appoint you." They were asked if they maintained what was written in the letters? The answer was, they did, in the sense in which they were written. The prisoners were then severally brought into court and separately examined as to the interpretation of the letters. The interpretations the accused gave, Winthrop says, were contradictory. They were then demanded to retract what they had expressed in the letters—this they refused to do, saying they would be denying the truth. Gorton maintained that the image of God, wherein Adam was created was Christ, and so the loss of that image was the death of Christ, and the restoration of it, in regeneration, was Christ's resurrection, and so the death of him, that was born of the Virgin Mary, was but a manifestation of the form of the death and resurrection of Christ.

Winthrop says "They were all illiterate men, the ablest of them could not write true English, yet they would take upon them the interpretation of the most difficult places of Scripture, and worst than any way to give their own terms."

There were three of the accused persons, who escaped at Warwick. Two of them were sent for and went to the Court. One of them did not sign either of the letters, and he was discharged.

One gave his own bond to appear at the next term of the Court—some of his cattle were taken towards paying the charges, and he was permitted to go. One of the signers of the letters had died, and his estate was not proceeded against. The arms of all the men were taken—of these, the Court gave one fowling-piece to Pomham, the Indian Sachem of Shawomett, another piece was given to Soconoco, another chieftain of the Shawomett tribe, and they were granted liberty to have powder. The sentences of the Court were as follows: "It is ordered that Samuel Gorton shall be confined to Charlestown, there to be set to work and to wear such bolts and irons as may hinder his escape, and to continue during the pleasure of the Court, provided that if he shall break his said confinement, or shall in the meantime, either by speech or writings publish, declare or maintain any of the blasphemies or abominable heresies, wherewith he has been charged by the General Court, contained in either of the two books sent us by him or Randall Holden, or shall reproach or reprove the churches of our Lord Jesus Christ in these United Colonies, or the civil government, or the public ordinances of God therein (unless it be by answer to some questions propounded to him, or conference with any elder or with any other licensed to speak with him private, under the hand of one of the assistants), that immediately upon the accusation of any such writing or speech, he shall by such assistant be brought and be committed to prison, till the next Court of Assistants, then and there to be tried by a jury, whether he hath so spoken or written, and upon his conviction thereof, shall be condemned to death and executed." This sentence was passed November 3, 1643.

(To be concluded in next Number.)

## THE TITLE AND OFFICE OF SCHEPEN.

It is a very curious fact that although the title and office of *Schepen*, which it is to be supposed was perfectly understood throughout every province or colony under the authority of the Seven United States, or Provinces of Holland, there are no authorities which agree in regard to the duties and powers exerted by this class of officers. \*

In France, the corresponding official was styled *Echevin*, who is described as one elected to exercise charges over the police or the general affairs of a city, and this title was borne by such at Paris, at Lyons and at Marseilles; whereas at Toulouse he was styled *Capitoul*, at Bordeaux *Jurat*, in other cities Consul. The English significations given by Fleming and Tibbins are Sheriff, Alderman, Eschevin. The equivalents of these titles are hardly reconcilable. For instance, at Toulouse, the *Capitoul* was "the first magistrate of the city," who had all the executive authority of a sheriff. Any one who jostled with a *Capitoul* in Toulouse, would find that he had come in contact with a snag with the prerogatives of a little king. However, it may be well to observe here that a *Schepen* in New Amsterdam was an *Echevin* in Rotterdam, for one of the writer's ancestral relatives and namesake held that office in the latter city about 1700, and he was a lawyer of the highest grade, a requisite perhaps for the office.

"According to the 'National Review,' (represented in 'Littell's Living Age,' 2509, 30 on July, 1892, 318 (2) 'The Executive power' [of a Commune] (each town forms a single and separate Commune) 'is vested in a Burgomaster' (Mayor) and two or more Westhouders (French Echevins). The latter office is paid, and is no sinecure in large places."

\* ECHEVIN, or its equivalent in Holland, is derived from the German *Schaben*, or *Scaben* (almost exactly *Schepen*), SCABINUS, in Base-Latin, which signifies a judge or learned person, a scholar. (According to Du Cange, *Scabinus* and *Procurator* were equivalent as also, translating into French and exemplifying Echevin; Scabini Synodales were ecclesiastical officers) The Franks (German or Teuton) brought with them this term into Gaul (Romanized Celtic). This was towards the middle of the VII. Century, the title of the Assessors or Counsellors of Counts. The military men (*Gens d'Epée*) who, during the reign of Clovis (Louis) II assisted Aigulphus, Count of the Palace, to dispense justice, were entitled *Echevins du Palais*. There is mention also of these Echevins in a Chronicle of Louis-le-Debonnaire, son of Charlemagne, (A. D. 781-840) and in a Charter of his son Charles-le-Chauve (A. D. 823-877). Afterwards, the Echevins were municipal officers charged, during a certain term, with the police and the business of cities and towns. In France, after the Revolution (1788-1804), municipal officers (so styled) were substituted for Echevins and the former by the present Mayors and their Deputies or Assistants. Finally Du Cange gives "Echevinus, Judex Urbanus (City judge)" Echevin and Schepen.

It would seem that Westhouder is an error of spelling and should be written Wethouder, which by Halma is translated Regent (Magistrate) : De Heeren Van de Wet, the Magistrates Schepen, Eschevin, Judge, Sheriff—which are not consistent with our understanding of the authority or duties of the officers bearing the different titles.

“The Government of every town was administered by a Senate (Wethouderschap), formed by two, three or four burgomasters and a certain number of sheriffs (Schepenem), generally seven. The duties of the Senate were to provide for the public safety by keeping the city walls and fortifications in repair, to call out and muster the burgher guards in case of invasion or civil tumult, to administer the finances, to provide for the expenses of the town by levying excises on different articles of consumption, and to affix the portion of county taxes to be paid by each individual.”\*

Douglas Campbell in “The Puritan in Holland, England and America,” I., 150-151, II., 329-330, furnishes the following explanation :

“In Holland, and in the Northern Provinces generally, the form of town government was somewhat simpler. The Senate was composed of two, three or four Burgomasters, and a certain number of Schepens or Sheriffs, generally seven. Together these officers administered the affairs of the town, but the Schepens sitting alone formed a civil and criminal court. The sovereign was represented by an official called a Schout, whom he appointed, but sometimes from three candidates named by the Senate. A great council of the citizens possessing certain qualifications, met annually, and chose eight or nine ‘Good Men;’ these in turn elected the Burgomasters and the candidates, from whom the Schout, as representative of his master, selected the Schepens.”

“The men who administered affairs in the Netherlands were of a very different class from the favorites and greedy courtiers who swarmed around the Stuarts. The representatives who made its laws bore little resemblance to the illiterate country squires, some of them mere boys, who at intervals, often of many years, trooped up to London to sit for a few weeks in Parliament. In Holland, no man could be appointed to a Schepenship—an office combining some of the duties of a sheriff, judge, and legislator—until he had attained the age of thirty, and for the office of

\* Davies, *History of Holland and the Dutch*; London, 1851, vol. 1, p. 77.

Burgomaster the limit was forty years."—(Geddes John De Witt, pp. 28-45.)

This was a Roman idea. (Pliny's Letters, x. 83.) Under the Constitution of the United States, no one can sit in the House of Representatives until the age of twenty-five, or in the Senate until the age of thirty. This is a minor difference between the English and American systems, but not unimportant. The men who filled these offices and who ruled the municipalities and state were all men of education. Most of them could speak two or three languages. Trained at the universities or at the famous classical schools of Holland, no one among the governing classes felt that his education was complete without several supplementary years of foreign travel. They traveled largely to learn the customs and mode of doing business in other countries, and all their acquisitions were at the service of their native land. If they sought office, it was for the honor, and not for the emoluments. Most of the offices were unpaid, and those to which a salary was attached presented no temptation to the needy.

The majority of the ruling class were engaged in industrial pursuits. They held office for short terms, soon going back to their constituents. Probably no body of men governing a State were ever more enlightened and better acquainted with the necessities of legislation than were these burghers, merchants, and manufacturers, who for two centuries gave laws to Holland.

It was largely due to the intelligence displayed by these men that the Republic, during the continuance of its war, was enabled to support a burden of taxation such as the world has rarely seen before or since. The internal taxes were appalling. Rents were taxed twenty-five per cent.; on all sales of real estate two and a half per cent. were levied, and on all collateral inheritances five per cent. On beer, wine, meat, salt, spirits, and all articles of luxury, the tax was one hundred per cent., and on some articles this was doubled.

The only way to reconcile these different settings forth of the duties and powers of Schepens, is that their authority and peculiar services were not exactly the same in different provinces, cities, communities and colonies of the United States of Holland; just as in France, although the Capitoul, a Jurat, a Consul, and other titles were considered equivalents of Echevin in Paris, it is well known that the relative power exerted by such officials was very

much greater at Toulouse, at Bordeaux and in some other French municipalities, than Parisian Echevins did exert.

In the Century Dictionary, the signification of Echevin would seem to be sheriff or justice, and of Schepen, "Dutch, a magistrate, justice. In Holland, and in the Dutch settlements in America, one of a Board of Magistrates corresponding nearly to associate justices of a Municipal Court, or to English Aldermen."

Extensive reading results in the conclusion that a Dutch Schepen of New Amsterdam had a great deal more extensive authority than what is recognized as attributable to an alderman, since a Schepen's jurisdiction or duties comprised not only those of a law making power, but a judicial and also an executive combining much that is now considered absolutely peculiar to a legislator, to an alderman, to a police justice of the highest rank and to a sheriff.

J. WATTS DE PEYSTER.

## SAN JACINTO.\*

The air to which the Texas army marched into the battle of San Jacinto, "Remember Goliad! Remember the Alamo!" were the watchwords of the Texans at San Jacinto.

"Come to the Bower," they sang.  
Immortal spirits crowned with flame,  
On yonder heights of radiant bloom,  
From freedom's deathless fields they came,  
From mountain pass and prison gloom.  
Dyed with the blood of Marathon,  
Drenched by Salamis's bitter sea,  
From where the sun of Leuctra shone,  
And from thy rocks Thermopylæ.

"Come to the Bower," they sang;  
The old Paladins cased in mail,  
Whose standards sparkled to the morn,  
And Peers and Princes from the Vale  
Where Roland blew his mighty horn,  
And Scottish chiefs from Bannockburn,  
And English knights from Ascalon,  
And sturdy hearts whose memories turn  
Toward Bunker Hill and Lexington.

"Come to the Bower," they sang;  
Come join our deathless throng and glow  
Like us, while heaven and earth shall stand.  
But yesterday the Alamo  
Unbroken, sent its glorious band,  
And Goliad from a reeking field,  
Passed up her heroes crowned with flowers.  
Behold us! come with sword and shield,  
And back in fame's immortal bowers.

\* In the National Magazine for March, 1893, was published a fac-simile of "Capt. Potter's Hymn of the Alamo." This was furnished by Charles Burr Todd, and accompanied by the following note: "In the summer of 1891, I met in New York, Judge Bell, of Texas, a gentleman intimately acquainted with most of the historic characters of the Lone Star State. In his reminiscences of the Alamo he remarked that he had the original MSS. of Captain Reuben Potter's spirited verses 'The Alamo,' and at my earnest request allowed me to take it to an engraver and have a fac-simile made.

"Within my knowledge the only other poem on this subject, vying with Captain Potter's in merit, is that of Mrs. Mollie E. Moore Davis, read at the unveiling of a monument to the heroes of the Alamo and of San Jacinto, at Galveston, Texas, in July 1, 1879, which is added for comparison. Judge Bell's death in Texas last Autumn added to the value of the fac-simile.

CHARLES BURR TODD."

Together with Mrs. Davis' poem, San Jacinto, we reproduce the facsimile of the "Hymn of Alamo" for comparison.



*SAN JACINTO.*

By San Jacinto's placid stream  
The warriors heard, and shining far  
They saw the splendid morning gleam  
Of one imperial changeless star ;  
They followed where its gleaming led,  
To Hope, to Peace, to Victory,  
For from beneath her martyr dead  
Behold, a nation rise up free ;

Lo, now, around the hallowed stone  
They press, the living and the dead,  
And banners on the air are thrown  
And quick and stirring orders sped.  
Houston and Sherman, brave Lamar,  
Millard and Hockley close around  
And here with steady swinging step,  
A phantom sentry makes his rounds.

"Goliad ! Alamo !" Hark the cry  
Amid the rolling of the drums,  
Hark ! the "twin sisters" \* hoarse reply  
Upon the battle breeze that comes.  
Stand back for rank and file press by  
Awearied in the sunset's glow,  
And in their midst they bear on high  
The broken sword of Mexico.

Texas, the Queen of States, whose crown  
Wrought by the hand of heroes, shines  
Like some prophetic sun adown  
The glowing future's magic lines,  
Arise, and with imperial tread  
Draw near this consecrated place,  
And bless them ; own thy mighty dead  
The saviours of thy glorious race.

MOLLIE E. MOORE DAVIS.

\* Two cannon used in the battle, and named the "Twin Sisters."

Hymn of The Alamo  
air. "Marsillien".

"Rise, man the wall, our clarions blast,  
Now sounds its final reveille;  
This dawning morn must be the last  
Our fated band shall ever see.  
To life, but not to hope fare well,  
Yon trumpets clang, and cannons peal,  
And storming shout and clash of steel  
Are ours but not our country's knell.  
Welcome the Spartans' death—  
Tis no despairing strife—  
We fall, we die, but our expiring breath  
Is Freedom's breath of life."

"Here, on this new Thermopylae  
Our monument shall tower on high,  
And 'Alamo' hereafter be  
In bloodier fields the battle cry!"  
Thus Travis from the rampart cried,  
And, when his warriors saw the foe  
Like whelming billows move below,  
At once each dauntless heart replied,  
"Welcome the Spartans' death—  
Tis no despairing strife—  
We fall, we die, but our expiring breath  
Is Freedom's breath of life."

They come—like autumn's leaves they fall,  
Yet hordes on hordes, they onward rush,  
With gory tramp they mount the wall  
Till numbers the defenders crush,  
Till falls their flag when none remain,  
Well may the Russians quake to tell,  
How Travis and his hundred fell  
Amid a thousand foemen slain!  
They died the Spartans' death,  
But not in hopeless strife—  
Like brothers died and their capiring breath  
Was Freedom's breath of life.

With the authors compliments to Judge Bell

Paul M. Potter

## DAVENPORT AND ITS ENVIRONS.—I.

### AN HISTORICAL SKETCH.

The tourist who obtains his first view of the Father of Waters as he approaches Davenport, Iowa, from the east is fortunate, for he will gain an impression of the beauty of the town as well as, the diversity of the surrounding scenery, which is unequalled by any other point on this great river so noted for picturesque scenery.

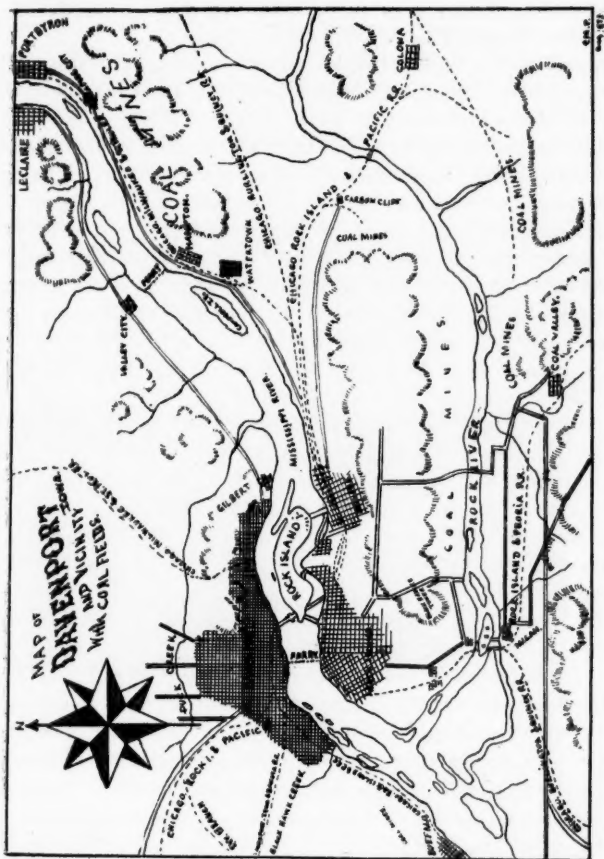
Davenport, built upon a series of commanding elevations that skirt the Mississippi's western bank, whether viewed from river or rail, or approached by country roads is, of itself, a unique and attractive city. But climbing to the summit of one of her high uplifted, verdure-clad hills that gently slope toward the water, the extensive view that greets the eye, without rivaling the grandeur of mountain scenery, is one of surpassing loveliness.

Here, the graceful sweep of the mighty river, gemmed with two islands, is clearly outlined. Above the undulating sea of tree tops of one, historic Rock Island, only the glistening roofs of the gigantic arsenal buildings, the tall chimney and the stars and stripes floating from lofty staff are disclosed to remind the beholder that this spot, so suggestive of peace, is devoted to the manufacture of implements of war.

The clustered towers and spires of three cities, that dot the landscape on both sides of the river, are here to be seen. Up and down the river the variegated green of meadow and fields of grain loses vividness in the grey of distance. In the day when the border of the Mississippi was the far west, this glorious picture was the inspiration of some of the most exquisite, as well as the most extravagant praise ever written.

The broad and swift flowing river that passes Davenport is also a boundary that separates Iowa from Illinois, but one of the most magnificent bridge structures that span the Mississippi closely unites her, in commercial and social intercourse, with her sister cities, Rock Island and Moline on the opposite shore.

Beginning about twenty miles above Davenport the Mississippi changes its course and flows southwesterly, resuming its southward course again at Muscatine, about thirty miles below.



At the foot of fifteen miles of rapids, and directly opposite the eastern portion of the city, the river throws out an arm, that joins it again two and one-half miles below, embracing within its graceful curve the elliptic form of the most beautiful island in the Mississippi. Nearly five miles below Davenport, Rock river enters the Mississippi.

About all this region of country there is much interesting early history. The point of land formed by the junction of Rock river with the Mississippi, was until 1831, the site of the principal village of the Sac or Sauk tribe of Indians, that in 1820 numbered three thousand persons, six hundred of whom were warriors. The confederated tribes of Sacs and Foxes, at one time, claimed all the territory extending seven hundred miles up and down the river, but of this sequestered spot on Rock river the Sacs had remained in uninterrupted and peaceful possession for upwards of a century.

They had eight hundred acres of land under cultivation. The women planted the corn and tended the fields. From here the braves went forth to, and returned from many a victorious battle field, and around the camp fires inspired the growing youth by recitals of valorous deeds. They roamed the vast prairies on both sides of the river for game, always returning with a perfect sense of security to their village home. They loved this home with all the tenacity of their fanciful savage nature.

It is not strange then, in those years, when the stream of civilization was steadily pushing its way towards the vast Mississippi valley and the broad and fertile fields, on which this prosperous village stood were becoming the coveted prize of invaders, that encroachment should be resisted by the Indian occupants.

The sad picture which De Tocqueville saw in 1831, lower down on the Mississippi could not be reproduced, without a contest, in the country presided over by the brave and fearless war chief Black Hawk. De Tocqueville graphically and pathetically describes the scene to which he was an eye-witness, in these words :

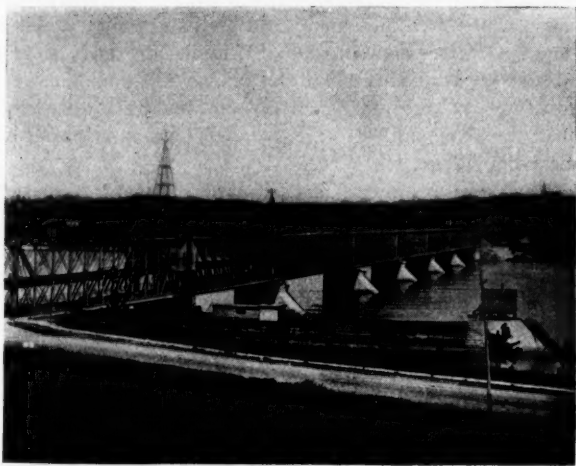
" It was in the middle of winter, and the cold was unusually severe ; the snow had frozen hard upon the ground and the river was drifting huge masses of ice. The Indians had their families with them ; and they brought in their train the wounded and the sick, with children new-born, and old men on the verge of death. They possessed neither tents nor wagons, but only their arms and some provisions. I saw them embark to pass the mighty river, and never will that solemn spectacle fade from my remembrance.

" No cry, no sob was heard among the assembled crowd ; all was silent. Their calamities were of ancient date, and they knew them to be irremediable.

"The Indians had all stepped into the bark which was to carry them across, but their dogs remained upon the bank. As soon as these animals perceived that their masters were finally leaving the shore, they set up a dismal howl, and plunging into the icy waters of the Mississippi swam after the boat."

Black Hawk and his braves were not so docile nor so easily dispossessed of the inheritance that they had received from their fathers. They conceived it to be the most sacred obligation imposed by the Great Spirit to defend the soil containing the remains of their ancestors.

When the order came to the Indians to remove their village west of the Mississippi, it was looked upon as an unwarrantable



VIEW OF DAVENPORT.

action on the part of the government to deprive them of the country that from time immemorial had been the red man's birth-right.

"What right," said Black Hawk, "have these people to our village, and our fields which the Great Spirit has given us to live upon. My reason teaches me that land cannot be sold. The Great Spirit gave it to his children to live upon and cultivate as far as necessary for their sustenance, and so long as they occupy and cultivate it they have a right to the soil, but if they voluntarily

leave it, then other people have a right to settle on it. Nothing can be sold but such things as can be carried away."

The Sac nation, under the leadership of Black Hawk, joined the British in the war of 1812. The reason for doing this instead of maintaining a neutral position as had been agreed upon with the United States authorities, Black Hawk, in his autobiography, attributed to the broken pledges of the government in withholding promised supplies and the consequent suffering of his people.

He found that the many and fair promises of the government to Indians, when entrusted to its agents for execution, became brittle things, while on the other hand the few promises made by the British were always scrupulously fulfilled. Sometime after the conclusion of the war, the chiefs, both civil and military, that had been engaged were summoned to St. Louis to ratify a treaty. Black Hawk always claimed that he was at that time deceived by the government, and that he did not understand when he "touched the goose quill" to the paper that he was consenting to give away his village.

The treaty was, however, in this regard, simply a ratification of that of 1804, concerning which there are some conflicting accounts.

By this agreement, whether righteously obtained or not, and there is much evidence showing that it was not, the Sacs ceded to the United States all their valuable possessions east of the Mississippi, including their homes on Rock river, and this provision had been incorporated in all subsequent treaties down to the time that Black Hawk complained of being deceived.

In 1816, the year following the consummation of the treaty, Fort Armstrong was established upon Rock Island.

This was considered by Black Hawk as somewhat in violation of the spirit of the peaceful relations, which according to his understanding, had been entered into with the government, but he made no hostile demonstration. He feelingly refers to it in his autobiography in these words :

"We did not object, however, to their building their fort on the island, but were very sorry, as this was the best one on the Mississippi, and had long been the resort of our young people during the summer.

"It was our garden, like the white people have near their big villages, which supplied us with strawberries, blackberries, gooseberries, plums, apples, and nuts of different kinds. Being situated at the foot of the rapids, its waters supplied us with the finest fish.



"In my early day I spent many happy days on this island, a good spirit had charge of it which lived in a cave in the rocks immediately under the place where the fort now stands. This guardian spirit has often been seen by our people. It was white, with large wings like a swan's, but ten times larger. We were particular not to make much noise in that part of the island which it inhabited, for fear of disturbing it, but the noise at the fort has since driven it away, and no doubt a bad spirit has taken its place."



BLACK HAWK.

After the occupation of Fort Armstrong by government troops, Indian affairs in this locality continued comparatively quiescent for a few years, only now and then a thrilling incident, for the time being, occurring to disturb the friendly feeling early established.

between the two parties. Black Hawk, however, in spite of the explanations of his white brothers, continued in misunderstanding the terms of the treaty of 1804, and the succeeding ones confirming, contending that his nation had never ceded or forfeited their lands to the government.

It had been the policy of the United States, as well as one of the stipulations of the treaty referred to, to allow the Indians to occupy all this territory as long as it remained unsold. And it was only after the land occupied by the Indian village on Rock river had been surveyed and sold, that an attempt was made on the part of the government to take possession. White marauders were on the ground prior to this event, and by the most infamous means endeavored to take possession of the lands in the immediate neighborhood of the Indian village. During the absence of the tribe on its annual hunting expedition a burning torch was applied to the village, and some forty of the lodges consumed. Other exasperating depredations, in spite of repeated remonstrances, were constantly being committed by the whites.

In 1829, for the purpose of putting an end to this state of affairs, and also of dispossessing the Indians of the land in dispute, a survey was made and soon after it was sold to actual settlers. Black Hawk was officially notified of this fact in 1830. In accordance with the advice of a friend at the fort, Keokuk, a powerful young war chief of the Fox nation and rival of Black Hawk, removed with his own tribe and a large number of Sacs across the Mississippi in 1823.

Black Hawk became distrustful of the person who counseled this action and steadily refused to follow. In this decision he was warmly supported by his resolute adherents known as his "British Band." After receiving notice to vacate the lands, Black Hawk conferred with his British father and also with General Cass, at Detroit, and was advised by both that unless the lands had been sold to the government, he could not be disturbed. Meantime matters were continually growing more and more complicated between the Indian occupants of the village and the white settlers. Outrages on both sides were freely committed, until the whites resorted to a highly colored and inflammable memorial enumerating a long list of grievances, especially emphasizing the fact of the Indians going to a house, rolling out a barrel of whiskey and knocking in its head.

The Governor of Illinois ordered out the militia, and General Gaines, with a full regiment of soldiers, proceeded to Rock Island to quell the disturbance and protect the white settlers. Black Hawk, terrified by this demonstration, quickly retreated across the



KEOKUK, AT THE AGE OF 67.

river and a treaty was concluded which prohibited his return to his old home. This for a time seemed to put an end to the Indian troubles east of the Mississippi. But the deeply rooted attachment

of Black Hawk and his followers to the home of their fathers could not be stifled by paper treaties, and the promise obtained under compulsion was soon disregarded.

In the spring of 1832, after consultation with the prophet, Black Hawk decided to make an attempt to recover his lands. Unsuccessful in his efforts to obtain assistance from the British and friendly tribes of Indians, as had been promised by the oracle, he ventured across the river with only the remaining members of his faithful band. This movement, in direct violation of the treaty of the year previous, precipitated the final act in the struggle which has been greatly magnified by being named The Black Hawk War, the ultimate conclusion of which was the beginning of Davenport's history.

The prominent events of the war, after this time, are probably better known than the causes. From the battle of Stillman's Run, where fifty braves put to ignominious flight three hundred troops, to the battle of Bad Axe, which was "simply a victory of overpowering numbers over a starved remnant of a brave tribe," there is nothing particularly admirable to relate on either side. The prominence in our country's history of the names of the men who participated in this conflict, some at that time eminent and others who afterwards became famous, throws a glamour over it that invests it with more interest than anything else connected with the war. Generals Scott, Gaines and Taylor, Abraham Lincoln, Jefferson Davis, Phil. Kearney, and Robert Anderson, of Fort Sumpter fame, were all engaged in the struggle that proved so disastrous to the Indians and so profitable to the United States.

On the 21st of September, 1832, General Scott and his aids, together with Black Hawk and Keokuk, in consequence of the cholera which was raging among the soldiers at Fort Armstrong, repaired to the Iowa side of the river and concluded a new treaty. By this treaty the United States acquired from the Sacs and Foxes six million acres west of the Mississippi, known as the Black Hawk Purchase, which afterwards became a part of Iowa, the name being derived from an Indian word meaning "the beautiful land."

Keokuk reserved at this time a square mile of land to be presented to the wife of Antoine Leclaire, the government interpreter, on condition that the latter should build his house on the very spot occupied by the marquee of General Scott during the deliberations of the treaty.

The house was afterwards built and a part of the tract is that upon which Davenport now stands. Thus by an accident, a series of circumstances followed out of which Davenport came into existence.



*Antoine Leclair*

The closing events of the Black Hawk war terminated the prominent part of the career of one of the most notable and interesting characters in Indian history. At this distance of time, while we fully recognize the justice of the principle embodied in the maxim, the greatest good to the greatest number, yet there is something sublimely heroic in the fruitless struggle that Black Hawk so persistently waged, irrespective of the creed of expediency, for the preservation of the inherent rights of his people.

With the scales of justice in one hand and the tomahawk in the other, this stoic moralist sought to become the executor of that "higher law" founded upon the eternal principles of freedom and equality. Black Hawk was superstitious and much given to philosophic speculations, therefore, easily misguided by the interpretations of the Will of the Great Spirit, as received from the Prophet. His powers of observation were remarkable; he frequently visited alone the high point of land which bears the name of Black Hawk's Watch Tower on Rock river, "where," he says, "I could sit and smoke my pipe, and look with wonder and pleasure, at the grand scenes that were presented by the sun's rays, even across the mighty waters."



*Geo. Davenport*

As the guest of the government, some time after the close of the war, Black Hawk, with his wife, visited Washington and several

of the large Eastern cities, and was profoundly impressed by what he saw. The restless spirit that had animated the fiery warrior chief became crushed at last by defeat, misfortune and disappointment, and to this was added the crowning humiliation of seeing Keokuk, his powerful rival, installed in his place as leader of his people.

When he visited his old home for the last time, in September, 1833, it was observed that he had become melancholy and remorseful. At that time, he expressed the desire to give to the world the story of his life, and it was dictated to Antoine Leclair, United States interpreter, and prepared for publication by I. B. Patterson. Because of the kindness shown him, while a prisoner, Black Hawk dedicated his story to Brigadier General H. Atkinson.

The following quotation, which throws light upon the condition of Black Hawk's mind at that time, is from the dedication.

"I am now an obscure member of a nation that formerly honored and respected my opinions. The pathway to glory is rough, and many gloomy hours obscure it. May the Great Spirit shed light on yours, and that you may never experience the humility that the power of the American government has reduced me to, is the wish of him who, in his native forests, was once as proud and bold as yourself."

The motives and principles governing the actions of Black Hawk are ably set forth in his record, and are such as to inspire respect for the brave warrior and subtle philosopher.

Keokuk was clearer visioned than his illustrious predecessor. He was more practical. His judgment was based upon actual facts and conditions instead of sentiment. While Black Hawk in dreamy reverie was constructing a guiding philosophy founded upon the rights of humanity, Keokuk was putting himself in harmony with the new conditions that had been forced upon his people, and thus became a greater benefactor and a safer leader.

Though no monuments, save in names of rivers and towns and exhumed relics, remain to perpetuate the memory of the dauntless sons of the forest that inhabited this beautiful Davenport land, long ages before the earliest pioneers dreamed of its existence, "their legends whispered in every mind, in the falling leaf and feathery snow, and in all the cadences of the woods and shores," and their history should not be forgotten.

Facts, gleaned from Indian traditions, conclusively establish the belief that the first man to set foot on Iowa soil was Father Marquette, the French missionary, in June, 1673. And that the very spot on which he landed from the river is where the city of Davenport is now situated.

Historic legendary lore, in connection with recent mound explorations, also fixes this as the place where from time immemorial an Indian village existed.

From the close of the Black Hawk war until his death, the history of Antoine Leclaire is closely identified with the city of which he was the principal founder, his associate being Colonel George



OLD DAVENPORT HOUSE.



GEN. SCOTT'S HEADQUARTERS.



FORT ARMSTRONG.

Davenport. The Hon. Hiram Price, in an article recently published in the *Annals of Iowa*, facetiously remarks that "the former furnished the land and the latter the name."

Mr. Leclaire's father was a Canadian Frenchman, his mother

a granddaughter of a Pottawatomie chief. After the close of the war of 1812, in which Mr. Leclaire was a soldier, he entered the service of the government and was placed in school that he might acquire a knowledge of the English language—French being then his only tongue, though it is said that he spoke some fourteen different Indian dialects. In 1818, he was called to Fort Armstrong as official interpreter. It was here that he became acquainted with Colonel Davenport, who had preceded him two years.

The acquaintance was cemented into a friendship that ultimately caused the two men to join in the common effort of founding and developing the city of Davenport. Mr. Leclaire married the grand-



daughter of the Sac Chief Acoqua (The Kettle), her father being a Canadian Frenchman. Mrs. Leclaire, like her husband, was a devout Catholic and was educated in a convent, speaking both English and French. She often accompanied her husband on his excursions among the Indians, when acting in the capacity of scout or interpreter.

Mr. Leclaire spent some time in the service of the government in Arkansas, returning to Fort Armstrong in 1827, where he remained until the treaty of 1832, acting as official interpreter for General Scott at that time.

The friendly relations established between himself and the people that through his agency received the knowledge that they must abandon forever their cherished homes and the graves of kindred, speaks more for his kindness and integrity than does all else that can be said of him. They loved him while living and loved his memory after his death. Annually delegations from the Sac and Fox nations made the pilgrimage to his home, on friendly visits, and they were always warmly welcomed, carrying away many a substantial token of his interest in them.

After Mr. Leclaire's death, in 1861, the Indians continued their visits to his wife, who survived him several years.

The gift of the reservation of three sections of land, two where Moline now stands, and one, fifteen miles above Davenport, on which the town of Leclaire was built, besides the one reserved by Keokuk at the time of the Black Hawk treaty, attest the esteem and gratitude of three different tribes to their faithful friend.

According to his promise, Mr. Leclaire built a house on the spot occupied by the council while making the treaty of 1832, but some years later he erected one of the most elegant residences of that time upon a bluff commanding one of the most extensive and beautiful views in the city.

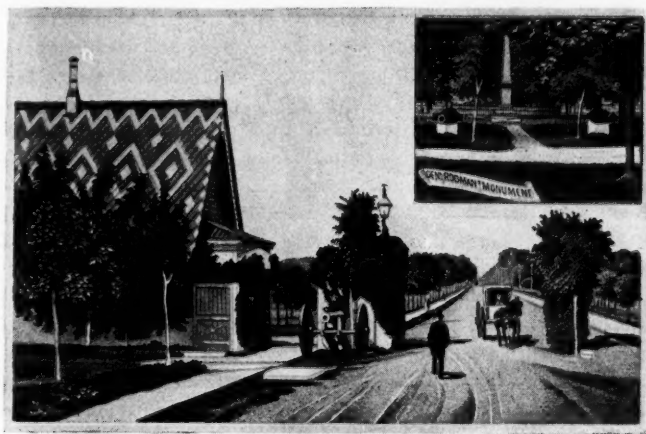
From his scant biography as published, the following extract is taken.

"Mr. Leclaire was one of the original proprietors of Davenport and was throughout the remainder of his life one of its most active and enterprising business men. He possessed great wealth for a man of his day, and improved the city in every way in his power by a liberal expenditure of his large income. He erected churches, hotels, and other public buildings at his own expense. St. Marguerite's, whose spire reaches from the lofty bluff till it almost seems to touch the quiet stars or to mingle with the cloudy glories of a summer's day, was built and furnished by the munificence of Mr. Leclaire. Everywhere over the fair city of Davenport are

scattered improvements, each of which elegantly and appropriately memorialize his generosity.

" His progress from the small white house on the depot grounds to the palatial mansion on the bluffs, his physical increase from a small frame to one of the most majestic and portly embodiments of the genus homo. present fine types both of his increase in wealth and the growth of the city which he was mainly instrumental in founding.

" It is to be regretted that a history of his life, embracing its lesser details could not have been obtained, as his whole career was replete with stirring incidents and romantic adventures. His name, however, will not be very soon forgotten, for it is recorded in the national archives, inscribed in lofty spire and sacred altar, and in wall and street in the city of which he is the parent. But more enduring than all these memorials of parchment, wood work and masonry, it is written upon the hearts of all who knew him that he was a philanthropist and a Christian."



ENTRANCE TO MAIN AVE.

Colonel Davenport, who was associated with Mr. Leclaire in founding the city that bears his name, was by birth an Englishman, who began his career at an early age as a sailor.

An accident causing his detention in New York, in 1804, decided his future destiny. The following year, in pursuance of the advice of a friend, he enlisted in the army of the United States, and from that time until the establishment of Fort Armstrong on Rock Island, he was in active service passing through some of the most thrilling adventures connected with Indian warfare. Upon the arrival of troops on Rock Island, the Indians, as has been stated, were very

much dissatisfied, but by the conciliatory policy of the officers and a few trifling presents, their confidence was soon gained and a friendly footing established that was never interrupted as long as the Indians remained in the vicinity.

Some time after his arrival at the Fort, Colonel Davenport recognizing the great opportunity that the situation offered for dealing with the Indians, in exchanging goods for furs, invested the money that he had accumulated in a stock of goods and began his career as "Indian trader."

This venture proved successful; a very profitable business grew out of it and several posts were eventually added to the original one. The situation, however, was not one of profit only, and the Colonel often found himself surrounded by perils requiring the greatest sagacity and courage from which to extricate himself.

Like Mr. Leclaire, Colonel Davenport, by his unswerving honesty, his humane and conscientious treatment of the savages, earned their lasting respect and love.

He had been the friend and counselor of Black Hawk and Keokuk, and at the request of the former purchased the lookout on Rock river that was so dear to the chief. The reason that Black Hawk gave for making this request was, that he could leave it with an abiding assurance that the graves of his people would be protected from vandal hands.

When death, by violence, July 4th, 1845, came to Colonel Davenport, in the house on the beautiful island that had been his home so many years, he was sincerely mourned by all who knew him.

Much could be written, but nothing added that would better illustrate the character of this noble man, than the tribute inscribed on the tablet that marks his last resting place:

"HERE LIES A FRIEND TO HUMANITY."

After the Sacs and Foxes were safely established on their western reserve a garrisoned fortress on Rock Island was no longer necessary, consequently, Fort Armstrong was soon after abandoned by government troops. This bright spot, however, in the greatest water highway in the world, with an area of nine hundred and seventy forest-clothed acres securely fastened to a bed of solid limestone, affording the greatest natural water power facilities, and numerous other advantages was never lost sight of when the subject of the location for a western armory came up for discussion. After the usual preliminary surveys and delays, an act of Congress,

July 11th, 1862, locating a national arsenal on Rock Island was finally passed, and an appropriation of \$100,000 was made with which to begin the work.

The ground was broken in September the following year for the first building, which was completed in 1864.

The same year, this beautiful retreat, in contrast to Libby and Andersonville, was utilized by the government as a station for the detention of war prisoners awaiting exchange.

The unpretentious, but not neglected, little cemetery in a retired part of the island tells its own story of the release that came to many while waiting. Not far distant is the National Cemetery, where



several hundred of our western patriots are at rest. On the day when the beautiful custom of commemorating the sacrifice of our nation's heroes is observed, by placing floral tributes on their earthly mounds, it often happens that in this quiet resting place, far from home and kindred, the graves of some of the brave boys that wore the gray are remembered.

In 1865, General Rodman was placed in command of the work at the arsenal. After completing the general plan, but before the execution of but a small portion of the work, he passed away, and was buried on the island. The enclosure containing his monument is flanked on each of the four corners with the gun which he invented and which bears his name.

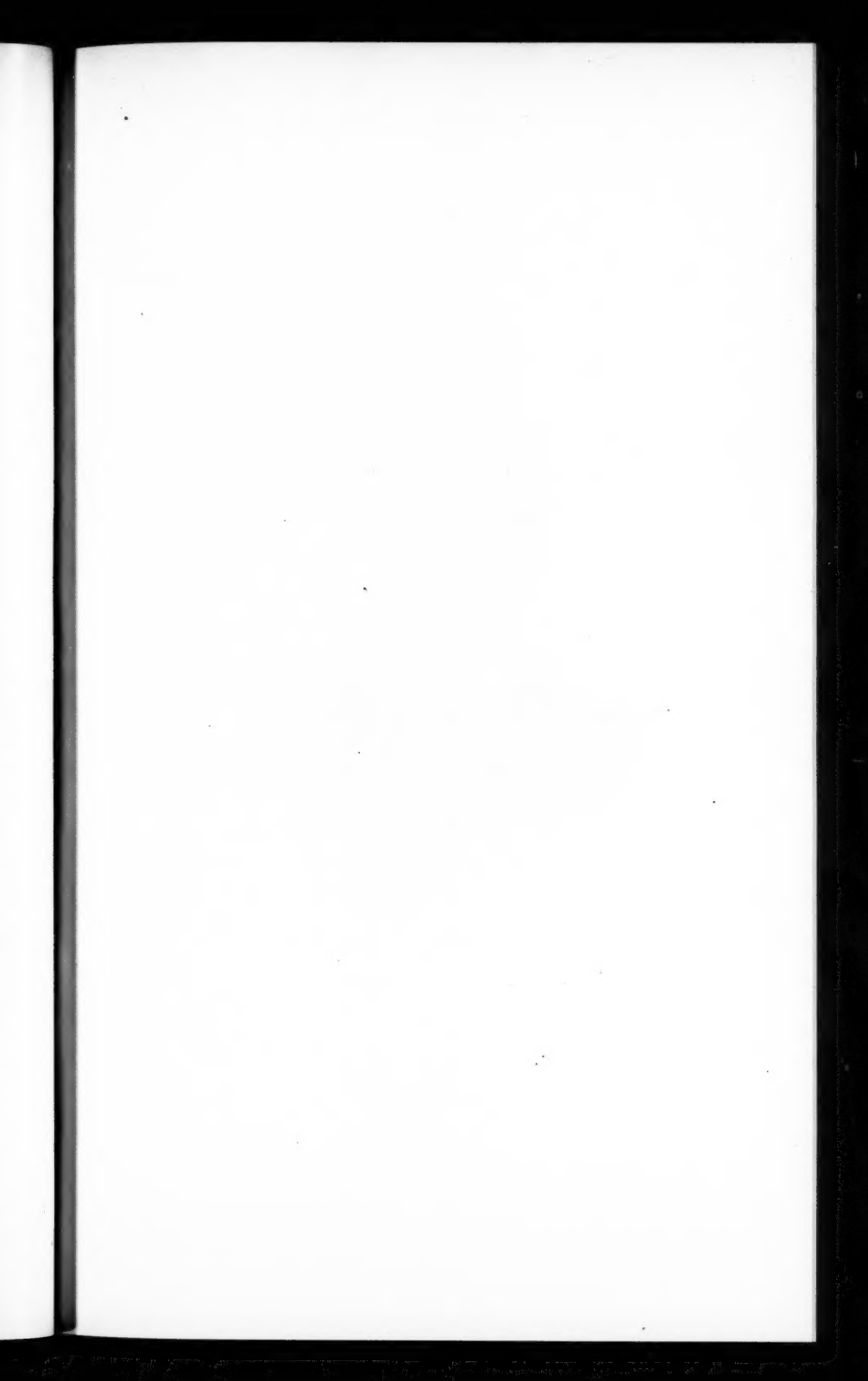
Colonel D. W. Flagler succeeded General Rodman in 1872. Colonel Flagler brought to the work not only the zeal and enthusiasm required in accomplishing great enterprises, but also the necessary ability. The grand achievements of his fourteen years of service at the arsenal are in a measure a monument to his personal efforts and supervisory care. Ten immense shops of solid masonry five stories in height, each covering an acre of ground, have been constructed. Magnificent officers residences, and business quarters have been erected, besides the construction of a water power of nearly 4,000 horse power. It is estimated that when the arsenal is completed it will have a capacity equal to supplying arms and equipments to an army of 750,000. Leading from broad macadamized and well kept avenues there are many miles, of shady drive as secluded and wild as though they traversed the heart of the wilderness.

It was Colonel Flagler's desire to retain, in connection with the more substantial work, all the natural beauties and attractions of this historic spot, and the preservation of the old landmarks, wherever possible, still invests the island with romantic interest. Here the squirrel, and a great variety of birds are thoroughly domesticated. The imposing tiers of cannon balls possess no terrors, with the time honored order prohibiting the firing of any ball upon the island, always observed.

In 1886, when Colonel Flagler was ordered to another field where his constructive genius and executive ability were in demand, the uprooting of his attachment caused sorrow nearly akin to misery. The fascinations of this enchanted spot were as irresistible to the grizzly soldier as they had been to the savage. If he could not spend all the days of his army service on this island, he hoped upon retirement to repair to one of Davenport's bluffs where he could gaze upon the city for the remainder of his days.

But in the army no man can control his destiny, and General Flagler, as Chief of Ordinance at Washington, was reserved for greater honors.

M. PECK.





Eng by E. C. Williams S.D. NY

*W. Peck*



## EMINENT AMERICAN SURGEONS.

DR. WASHINGTON F. PECK.

Within the past three years the grim reaper who is no respecter of persons, seems to have gathered to himself an unusually large number of those, who, in traversing the various avenues of life, had reached eminences which kept them at all times in public view. The names of men who have made history, brightened the pages of science, and added greatly to the sum of human achievement, seem to have been unusually numerous on the death roll of these later years, and in no one of the fields of labor to which their endeavors have been confined, has a greater number of names been transferred from the roll of the illustrious living to the roll of the illustrious dead, than in the field of medicine. In this profession, the department of surgery, in particular, has lost some of its brightest lights, its greatest minds, its most skillful operators. It is well known to ordinarily intelligent laymen that the progress of surgery, within the past decade, or certainly within a score of years last past, has amounted in effect to a revolution; and among the men who have passed away within the period named, have been some of those who were chiefly instrumental in bringing about this revolution. The names of MacKenzie, Hamilton, Barker, Sayre, Greene, Parkes, and that of the subject of this paper, Dr. Washington F. Peck, have been associated with an era of improvements in methods, of new discoveries, and remarkable operations which has had no parallel in the history of surgery.

These were progressive minds, which could not be confined within circumscribed limits. They were so constituted that they could not be content to follow beaten paths, and with intellectual breadth, they combined the skill of hand which wrought results deemed at the time almost marvelous.

Dr. Peck belonged to the very limited number of surgeons whose field of operations has been the "Great West," who have achieved national and international renown. All the years of his professional life were devoted to practice in this western field, but in birth and education he was the product of an eastern state and an eastern school.

Washington Freeman Peck was born in the town of Galen, Wayne County, New York, January 22d, 1841. His father was William H., and his mother Alida (Hawes) Peck, both natives of the Empire State, but of differing antecedents as to nationality, the father being of Scotch, and the mother of Dutch lineage. Dr. Peck's early education was of the kind ordinarily termed a good English education, and the bent of his mind was so fully toward medicine that he began the systematic study of this science when but eighteen years of age. Entering Bellevue Medical College of New York, he enjoyed the distinction of being the first student to matriculate in the first medical college of this country, which successfully combined clinical with didactic teaching. In 1863 he graduated from this institution with the highest class honors, having served during two years of his course as house surgeon of Bellevue Hospital, where he laid the foundation for his skillful practice of later years.

Immediately after completing his college course, he entered the government military service as surgeon, and during the eighteen months next following he was stationed most of the time at Washington, where his skillful operations in Lincoln General Hospital attracted attention, and won for him official commendation.

In 1864 he located at Davenport, Iowa, and while engaging in general practice sought as far as possible to give special attention to surgery. His intense activity and evident capacity soon gained for him substantial recognition in his new field, and he at once became a prime factor in elevating and improving the character of the medical profession in the State of Iowa. In 1866, he was made secretary of the Scott County Medical Society, a few years later became its president, and in 1876 was advanced to the presidency of the Iowa State Medical Society. These recognitions served to show the impress which he made upon the medical profession of Iowa early in his career, and the rapidity with which he moved forward to a commanding position among his associates.

Within a year after his location in Iowa, he returned to New York state, and married Miss Maria Purdy, of Wayne county, and this union was one happily entered into, not only in a domestic sense, but in contributing to his professional advancement. Mrs. Peck brought into the family circle not only the grace and intelligence which make a happy home, but a capacity for the practical conduct of affairs which left her husband free to devote himself entirely to his chosen calling without detriment to those business interests upon

which the acquisition of fortune, along with fame, must always be dependent. From the beginning of his career, he was absorbed in his profession, and gave to his work the best thought, the closest study, the widest range of reading, and the most careful investigation of which a broad intellectuality is capable, and the results of this earnest, persistent and undivided effort were apparent in what he accomplished.

To the educational work of the profession Dr. Peck at once addressed himself with the ardor of an enthusiast, and to him the State of Iowa is indebted for the Medical Department of its State University, an institution which reflects credit on its founder, and upon the great state by which it is fostered and supported. In 1868, he conceived the idea of building up a medical college in Iowa, which would afford facilities for the first class education of young men desiring to enter the medical profession, and in order that the institution might be established upon a permanent basis, he determined to make it a department of the State University at Iowa City. He first laid his plans before Judge John F. Dillon, now of New York, then a distinguished citizen of Davenport, and secured his hearty co-operation. Then, in June of 1869, a comparatively unknown young man, he presented himself before the trustees of the University, and proposed the creation of a medical department. He came before the Board unheralded, but full of the subject with which he had to deal, enthusiastic in his expectations and eloquent in his appeals for liberal treatment of his profession by the officials of what should be a university, in fact as well as in name. Surprising as it may seem, he carried the Board with him, and the preliminary steps were taken toward the establishment of the Medical School. In those days, however, the University was poor, and from the day it was founded, the medical department was in financial straits. An organization was not effected, or at least perfected, until 1870, and this was accomplished in the face of difficulties of the most discouraging and perplexing kind. When the organization was finally completed, Dr. Peck was made professor of surgery, became dean of the faculty, and the executive head of the department of medicine. Then came the struggle to secure the needed assistance from the state legislature, to overcome hostility engendered by professional rivalry, and to carry on at the same time a work which would compel recognition and approval of the project. At another city in the state a medical college had been established at an earlier date,

calling itself a department of the State University and with an ambition to be recognized as such. The charter of the University, however, precluded such recognition of an institution not located at Iowa City, and the plan proposed by Dr. Peck was the only feasible proposition for connecting a medical course with the University course. Nevertheless, new antagonisms and sectional jealousies were aroused to such an extent that at times the advancement of the project seemed almost hopeless. Year after year the struggle continued and the indomitable will-power, the high courage and ceaseless effort of Dr. Peck contributed more than anything else to final success. Supported by a loyal and competent faculty he made the medical department an institution which commanded the respect and admiration of all those who were interested in the general upbuilding of the University, and by and by the opposition to it ceased, appropriations for its maintenance were freely made and its founders realized the full fruition of their hopes.

Soon after he came to Davenport, Dr. Peck was made local surgeon of the Rock Island Railroad Company. At that time the company had no organized medical department, nor is it probable that any such department was connected with a western railroad, if indeed any of the railway corporations of the country had progressed to that extent. The work which came to Dr. Peck, however, as local railway surgeon, was well done; so well that it commended him to the great and constantly growing corporation, and in 1875 he was designated to act as surgeon-in-chief of the company; and to him was assigned the task of organizing its medical and surgical department. To this task he addressed himself with an energy and tenacity of purpose which precluded the possibility of failure, evincing executive ability of as high character as his professional attainments, and the result was the organization of a medical department of the Rock Island Railway Company, which is to-day pronounced by competent judges the best and most efficient organization of its kind in the United States. As chief of this department, Dr. Peck had on his surgical staff during the later years of his life, nearly one hundred surgeons, located at different points on the lines of the railway company, and his personal attention was given to a vast amount of surgical work. His labors in this field gained for him wide distinction, and when he summed up the results of his experience and observation in a paper read before the American Medical Association, while acting as chairman of the surgical section of the association, his paper

was published in all the leading medical journals of America, and also in the principal medical journals of Europe, translated in numerous foreign languages.

With the extension of his practice, with surgery as his specialty, the character of the operations successfully performed by Dr. Peck, attracted attention, and made him famous not only among his professional brethren, but among the people at large. As early as 1882, he had successfully performed the operation for the relief of appendicitis, which consists in the removal of the *vermiform appendix*. It is not known that Dr. Peck (whose modesty was a distinguishing characteristic), ever made any claim of originality of method in this operation, but the statement of other eminent physicians is to the effect that the operation was the first of the kind performed in the United States.

An active member of the American Medical Association, in addition to being honored with the chairmanship of the surgical section, he served as vice-president of the association. He was also elected without his knowledge or solicitation, a member of the American Surgical Association (an organization so exclusive in its character that its membership is limited to one hundred). In 1886, he went abroad to find that his fame had preceded him, and that physicians, scientists and public officials in the old world were by no means unfamiliar with his name and achievements. At this time he spent six months in study and travel on the Continent, and in England, Scotland and Ireland, and in 1890 he again went abroad as a delegate to the International Medical Congress, held in Berlin, and to the British Medical Association, which met at Birmingham.

With the inception and building up of the local charitable institutions of Davenport, Dr. Peck was hardly less conspicuously identified than with the building up of the State Medical College of Iowa City. He originated the idea of establishing a hospital in Davenport, and set on foot the movement which resulted in the evolution of an institution which has now no superior of its kind west of Chicago. In 1867, Father Palamorgnes, purchased the building and grounds of the former Academy of the Immaculate Conception, and later at Dr. Peck's suggestion, the building was converted into a hospital. It was placed in charge of the Sisters of Mercy, was christened Mercy Hospital, and with Dr. Peck as physician and president of the board of managers it developed into the splendid institution of the present time. He was one of the founders of

Mercy Hospital at Iowa City, and the Orphans' Home, of Davenport, now a noted State institution, admirably managed and splendidly equipped for the noble work of caring for homeless orphan children, is also largely a creature of Dr. Peck's kindly sympathy and intelligent effort, and for twenty-four years it was under his fostering care as physician-in-charge.

Busy as he was with the exacting duties of his profession, driven hither and thither by the demands of an extensive practice, he found time to do a vast amount of charitable and educational work, but the strain which he thus put upon himself was too great, and the breaking down of his health, and death, came at a comparatively early age. From an illness which began in 1888, he never fully recovered, and in the summer of 1891, he was compelled to retire in part from educational, and largely from professional work.

He tendered his resignation as professor of surgery in the medical department of the State University of Iowa, and on the 16th of June, 1891, the following resolutions were unanimously adopted by the Board of Regents:

*Whereas*, on account of illness Dr. W. F. Peck has found it necessary to tender his resignation as Professor of Surgery in the Medical Department, and

*Whereas*, it has seemed absolutely necessary that said resignation be accepted; therefore

*Resolved*, that we take this occasion to express our deep regret that the time has come when Dr. Peck must sever his active relations with the University. We recognize that to his untiring industry, his keen, practical good sense, his great reputation in the state and nation as a surgeon, the department owed the largest measure of its success. He, it was, who organized the medical department nearly a quarter of a century ago, under circumstances that would have daunted one less courageous; he has watched it and nurtured it with rare devotion through all its vicissitudes, and it has grown with the years under his earnest and wise care, until it stands as a fitting monument to his ability and devotion.

*Resolved*, that Dr. W. F. Peck be appointed Emeritus Professor of Surgery, and that he be requested to retain his connection with the University and give us the benefit of his advice, and when health will permit, that he will still give instruction by lecture or otherwise

in that department, with the hope that his days may be long in the land to aid and counsel us.

*Resolved*, that this resolution be spread on the minutes, and that an engrossed copy thereof be forwarded to Dr. Peck.

During the summer and fall of 1891, his health steadily failed, and on the 12th of December of that year the end came.

His death occasioned general grief throughout the State of Iowa, and from all portions of the western states distinguished physicians, educators, public officials, and members of the Knights Templar organization (of which he had been an Eminent Commander), came to Davenport to attend the obsequies and pay tribute to his worth and public services.

His only son, Robert Peck, is following in the footsteps of his father in the medical profession, and at the present time, while pursuing a course of study abroad, is representing the United States government as sanitary inspector at the port of Hamburg. His only surviving daughter is the wife of Hon. Henry Volmer, a brilliant young lawyer, who is the present Mayor of the city of Davenport. Another daughter, who had just reached a most attractive and promising young-womanhood, died in 1888.



## THE WESTERN BAR.

HON. JAMES GRANT.

On the 14th of March, 1891, Judge James Grant died at Oakland, California, and when the news of his death was passed from one to another, at his home in Davenport, Ia., "almost every one in Davenport," said the *Daily Democrat*, of that city, commenting editorially on his death, "felt that he had lost a personal friend."

For fifty years and more, Judge Grant had been so conspicuous a figure in the beautiful little city on the banks of the Mississippi river, so intimately had he been associated with its progress, its development, and its material growth and prosperity, that like the rugged bluffs, which look down on the "Father of Waters," he seemed a part of the city itself. A landmark which could not be removed. A physical presence which must remain, and abide with it, withstanding the ravages of time.

Before Davenport was a municipality, or a hamlet even, Judge Grant was a conspicuous member of the western bar, and from the very inception of the town, he had been recognized as a promoter of its best interests. Strong, able, intensely active, brusque in manner, but generous and hospitable in his instincts, he was an interesting figure and a distinguished pioneer of the territory with which he became identified, before its evolution into a state.

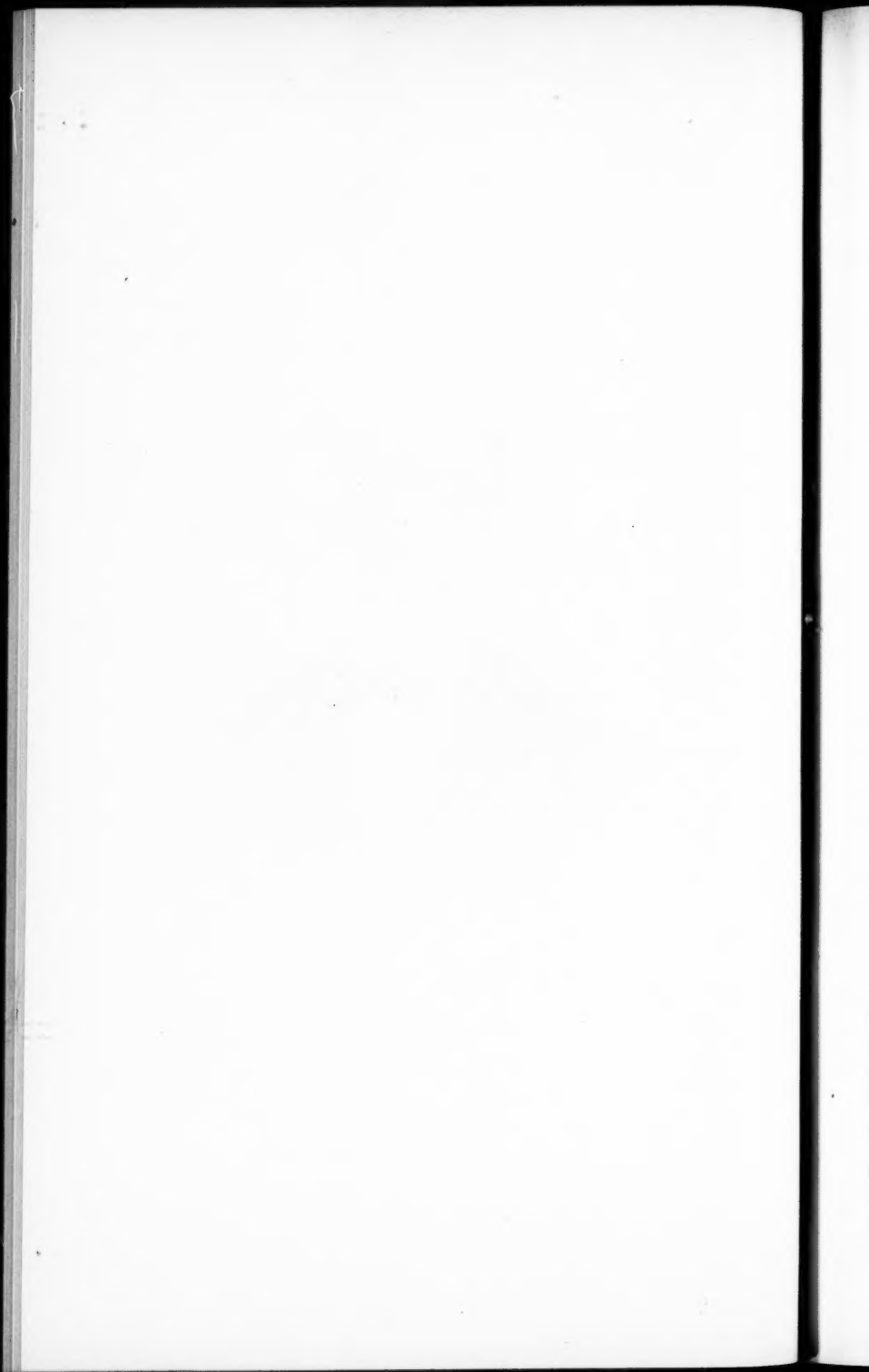
He was of southern parentage, and Scotch and English lineage. Born near the village of Enfield, Halifax county, North Carolina, December 12, 1812, he was the son of James Grant, and the grandson of that James Grant, of the Highland clan, who drew his broadsword in support of the Pretender, at Culloden, and was later transported, with other rebellious subjects of the Crown, to the colony of North Carolina. His mother, whose maiden name was Elizabeth Whitaker,\* was a native also of North Carolina, and lineal descendant of the Episcopal minister, Alexander Whitaker, who baptised Pocahontas, and was noted among the early Virginia colonists. Mat. Cary Whitaker was the father of Mrs. Grant, and another of his daughters

\* Martha and Elizabeth Betsey Cary married two Whittaker brothers, and their descendants were always designated as the Cary Whittakers.



Engr. by E. C. Williams & Co.

James Grant



became the mother of the United States senator, Mat. Whitaker Ransom, of North Carolina.

Judge Grant's father was born on a plantation, and brought up under the "old regime," with a comfortable fortune at his command. Possessed of abundance in his early life, he was master of no trade or profession, knew little about the proper conduct of business affairs, and before he had reached middle age, his patrimony had drifted away from him, and his estate was impoverished. Judge Grant was the second of his eight children, and was the kind of boy styled precocious. When he was eight years old, he began going to school, his mother having previously taught him his letters. This was the sum total of his educational accomplishments, when his school life began, but in ten months he could spell every word in Walker's dictionary. From that time forward, he was first in his classes, and equally conspicuous in the field and other sports of that era and region of country. Having been fitted for college in the Academies of that period, it was proposed that he should enter the freshman class of the State University, at Chapel Hill, when he was thirteen years of age, and he was fully competent to assume that rank in the college course. He was, however, small of his age; so small that the president of the institution advised his father to keep him at home two years longer, and then let him join an advanced class. This advice, says one who has written of him in the annals of Iowa, published by the State Historical Society, "was followed, and he entered the Sophomore class of 1828, having among his schoolmates J. D. Hooper, Thomas Owen, Allan and Calvin Jones, Jacob Thompson, Secretary of the Interior under President Buchanan, James M. Williamson, and others, who achieved distinction in later years."

Before he was eighteen years of age, he graduated from the University and then taught school three years at Raleigh. When he was twenty-one years of age, he immigrated to the northwest, because he had an intense dislike of slavery, and wanted to get out of a slave state. He came from North Carolina to Illinois, and having read law while teaching school, he obtained a license to practice his profession, and settled in Chicago, in January of 1834. His talents, his energy and his combativeness, combined to bring him into prominence, and he was appointed by Governor Joseph Duncan, prosecuting attorney for the sixth district of Illinois, in which was included all the northern portion of the State. The

district had to be travelled over on horseback, and the young attorney travelled about three thousand miles a year, until he resigned the position, in 1836. He remained in Chicago until the summer of 1838, when he reached the conclusion that the lake winds affected his health injuriously, and removed to that portion of Wisconsin territory, which soon after was erected into the territory of Iowa.

Locating on a large farm near what is now the city of Davenport, he brought the land under cultivation, introduced the first blooded stock brought into Scott county, if not into the territory, and for a time was inclined to give up his profession. He did much, at this time and later, to advance the agricultural interests of Iowa, but soon resumed the practice of law. In 1841, he was elected a member of the territorial legislature, and sat as a delegate in the first constitutional convention of Iowa, in 1844. In 1846, he was a member also of the second constitutional convention, and drew up the sections embracing the bill of rights in both conventions. To break a dead-lock which existed for a time between a whig governor and a democratic legislative council, he accepted the office of prosecuting attorney of his district, to which he was nominated and confirmed, after numerous appointees had been rejected. After Iowa was admitted as a state, he was elected on April 5th, 1847, a judge for the district in which he resided, made up, at that time, of sixteen counties. At the end of a five years term on the bench, he declined a re-election and, with the exception of a term in the state legislature—when he served as speaker of the House of Representatives—he eschewed office holding thereafter, although he always interested himself in promoting the fortunes of the democratic party, with which he affiliated.

In the early years of the decade beginning with 1850, what may be termed the golden era of Judge Grant's professional career, began. It was a golden era in more senses than one. Golden in the fame which it brought him, and in the emoluments which came with it. In 1851, with characteristic energy and enterprise, he interested himself in the promotion of the Rock Island railway project, becoming first president of the corporation, and making the contract for the building of the road. Thus interested in corporation affairs, he became essentially a corporation lawyer, and his practice was vastly remunerative. Apparently, he grasped intuitively the full scope and bearing of certain questions of great importance

to the railway corporations, when the courts and members of the bar generally were groping in the dark, in the absence of precedents to guide them. What an eminent Iowa jurist called a "practical sagacity so marked as justly to entitle it to the name of genius," enabled him to conduct to a successful issue litigation involving many millions of dollars of the securities of these corporations, and from a single lawsuit his firm is said to have realized, in those days of comparatively small fees, a fee of more than one hundred thousand dollars. For many years his professional income, although living in a new state and small city, is said to have been as large as that of any lawyer of that period in the United States. In the famous litigation known as the "Railroad Aid Bond Cases," he was especially conspicuous; and so certain was he that a decision must eventually result in his favor, that he profited largely by investments in these depreciated securities, at a time when courts and juries were holding against him, and when the most powerful efforts were being made to have them declared invalid. With the increase of his fortune came a corresponding increase of his activities in developing the resources, not only of Davenport and the State of Iowa, but of other portions of the west. The famous Grant Smelting Works, originally of Leadville, now of Denver, Colorado, were built up by him, in connection with his nephew, Governor Grant, of that state, and the vivifying effect of his enterprise were felt throughout a wide extent of territory.

While absorbed to a large extent in professional work and conduct of the important affairs with which he was identified, a kindly nature and generous instincts were manifested in numerous ways. Young men found in him a wise counsellor, a sympathetic friend, and one who was always ready to give them material assistance. Although he was three times married, and had two children, neither of them survived the infantile period. Married first, in 1839, to Sarah E. Hubbard, born in Massachusetts of Puritan lineage, his wife died in 1842. In 1844, he married Ada C. Hubbard, a native of Vermont, who died two years later. In 1848, he married Elizabeth Brown Leonard, who was born in Connecticut, and came with her parents to Iowa, in 1838. Her father was James Leonard, a pioneer legislator of Iowa, who died in Iowa city, in 1845, while attending a session of the General Assembly. Having no children of their own, Judge and Mrs. Grant opened their home and their hearts to the children of relatives and friends, and in all a family

of eighteen boys and girls grew up under their care, receiving education and a start in life at their hands.

For many years this was a unique homestead, a hospitable home of the old fashioned kind. The silver wedding anniversary of this distinguished couple, in 1873, was an event of unusual, in fact, of historic interest, inasmuch as it brought together a famous company of guests, who came from widely separated localities. There were college classmates from southern states, old time jurists and lawyers from all portions of the west, and congratulatory letters and telegrams from everywhere.

For the important influence which he exerted in elevating the character of his profession, and contributing to the enlightenment and education of its members, in Davenport and the State of Iowa, Judge Grant will always be held in grateful remembrance. "Early in life he began the building up of a law library, which soon assumed large proportions. Twenty years since, it is said to have been the largest private law library in the west, if not the largest in the United States. The privilege of using this library he extended, free of charge, not only to the lawyers of Davenport, but to the lawyers of the state, and many now famous western lawyers derived incalculable benefit therefrom. While holding two sessions a year at Davenport—which the legislature had stipulated should be without expense to the state—the Supreme Court of Iowa for years had the free use of this library, and the free use, also, of a room in connection with it, which Judge Grant fitted up for the sessions of the court. It is to the credit of the bar of Davenport that this great collection of law books has been preserved to the city, since Judge Grant's death, through the organized effort of members of the profession, and that the "James Grant Law Library" will constitute a constantly expanding monument to its founder.

As a judge on the bench he was noted for his prompt dispatch of public business, and the broad common sense and equity of his decisions. As a practitioner, zeal, courage, resourcefulness, and a felicitous power of expression, were his distinguishing characteristics. A man of strong and tender emotions, "When the subject was such as to enlist his feelings," says an old member of the Iowa bar, "he was truly eloquent in the highest sense of that expression."

A fine classical scholar, he never lost interest in, or love for the classics, and turned to them, even in his later years, for diversion from business and other affairs. A southern man by birth and



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education, he was an exception among the products of that region, as a many-sided man. With southern warmth and impulsiveness, he combined northern thrift and sagacity. With southern generosity, he combined northern conservativeness. With many of the tastes of the typical southron, he had so few of the mannerisms of that region, that those who knew nothing of his history, would more frequently have guessed him a native of New England than of North Carolina. In one thing, however, all agree that the distinguished lawyer and financier was a typical southron, and that was in his love for fine and fast horses. From his early manhood, he was much interested in the breeding and speeding of this class of horses, and for years was President of the National Trotting Association.

For some years, prior to his death, he spent much of his time in California, and there as in Davenport, he busied himself with developing the material resources of the country, and identified himself with its business interests, to an extent which made him as well known on the Pacific coast, as he had been some years earlier in the Rocky Mountain region.

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#### EMINENT AMERICAN BOTANISTS.

DR. CHARLES C. PARRY.

In the early hours of February 20th, 1890, there passed away at his home in Davenport, Iowa, a man who had devoted nearly fifty years of his life to enriching the botanical lore of the western states and territories, and who had become recognized, both in this country and abroad, as among the distinctively great American botanists of the age. A profound student, a tireless investigator, an active and energetic explorer, he was withal a gentle, kindly, lovable man, who lived among the flowers and seemed to share their charms and graces. "Flowers," said this eminent botanist, "have a language of their own, but a few persons only can interpret it." With this language of the flowers he was himself so thoroughly familiar that every bud and blossom seemed to whisper to him a story all its own, and these stories, in many instances, he was the first to place upon the written pages of science. A biographer of plants; a chronicler of their histories; nature's own historian. How broad

NOTE.—See account of Dr. Parry's Botanical Collection, Oct. 28, 1878, Vol. II., Proceedings Davenport Acad. Nat. Sciences.

the field in which he labored; how enduring the results of his labors; how great the sum of his achievements; how numerous the monuments to his memory. To sketch the life of such a man, to do full justice not only to his accomplishments, but to those qualities of head and heart which endeared him most to those who knew him best, is a work which could best have been performed by one of those poetic souls who wrought with him within the same domain, who breathed an atmosphere the same and traversed paths familiar to his feet. And yet, from the ample material which his life evolved, a novitiate biographer could hardly fail to weave an attractive story of the career of Dr. Charles Christopher Parry.

He was born at Admington, Worcestershire, England, August 28th, 1823, and came with his parents to this country in 1832. The family settled on a farm in Washington County, New York, and his early life was spent in the midst of rural environments. Here he received his early education and was fitted for Union College, at Schenectady, New York, from which institution he graduated with honors, having distinguished himself especially as a student of the natural sciences. Like Gray, Engelmann and Torrey, whose fame as American botanists is also world wide, he took up the study of medicine, graduated from Columbia Medical College, and for a time he may be said to have actively practiced this profession. As early as 1842, however, he had begun his botanical researches in northeastern New York,—a region rich in material for work of this character—and soon became fascinated with the science of botany. While studying medicine he gave as much of his time as he could spare to botanical work, and becoming acquainted with the celebrated botanist, Dr. John Torrey, he received from that distinguished scientist aid and encouragement which increased his enthusiasm and caused him to apply himself with renewed energy to research and investigation in this attractive field.

In 1846, having completed his course of study in medicine he came to Davenport, Iowa, and began to practice. After a few months, however, the allurements of the fields, the prairie, and the bluffs along the Mississippi River, proved too strong to be resisted, and Dr. Parry found himself actively engaged in collecting the flora of the country about Davenport. Then he made an expedition to the central part of Iowa with a government surveying party, under command of Lieutenant J. Morehead, and gave up the prac-

tice of medicine to devote himself entirely to scientific study, research, investigation and exploration.

In 1848 he became connected, in a semi-official capacity, with Dr. David Dale Owen, who had been employed by the national government to make a geological survey of Wisconsin and Minnesota territories, and made extensive collections in the northwest, along the St. Croix and St. Peters rivers, and in the region of Lake Superior. In 1849, he was appointed botanist to the Mexican boundary survey, proceeding by way of the Isthmus of Panama to San Diego, California, where he arrived in July of that year. The following September he joined an astronomical party and crossed the California desert, going from San Diego to the junction of the Gila and Colorado rivers and returning in December. In 1850, he traversed the shore line of the Pacific as far north as Monterey and made extensive collections in the vicinity of the southern boundary line of California. The next year he was ordered to Washington to make up a report of his explorations and discoveries, but before concluding it was summoned to join the government surveying party at El Paso, on the Rio Grande. To reach this point he made an overland trip by way of San Antonio, Texas, late in the fall of 1851. In January of 1852, he accompanied a small party on an exploring expedition through the region west of El Paso. The trip extended to the Pima Indian settlements on the Gila river, and the party did not return to El Paso until April. He was subsequently attached to various surveying parties on the Rio Grande south of El Paso, including a section of the river below the Presidio del Norte, noted for its giant chasms, which, it is said had never before and have never since been explored by any botanist. His explorations in the Mexican boundary region, in California, Texas, and what is now Arizona, extended over a period of four years and were rich in botanical discoveries of the most interesting character. In the winter of 1852-53, he returned to Washington and prepared his report, which was published in the volumes giving an official account of the Mexican boundary survey.

From 1854 to 1860, he spent most of his time in Davenport, being but little engaged in field work during this period, but in 1861 he made a trip to the Rocky Mountain region, returning with a rare collection of alpine plants. Some of these had first been brought to notice by Dr. Edwin James, when he visited this region as botanist of the expedition conducted by Major Samuel H. Long, in 1820,

and others, were new to science. The following year he was associated with E. Hall and J. P. Harbour in further explorations of this wonderfully interesting region, and the botanical results of these researches were published in the proceedings of the Philadelphia Academy of Sciences. In 1864, he continued his explorations in the vicinity of Longs Peak and Middle Park, Colorado, and in 1867, he accompanied a surveying party across the continent on the line of the 35th parallel north latitude, in the interest of the Union Pacific Railroad Company. On the last mentioned of these expeditions he made collections in Western Kansas, Colorado, New Mexico, Arizona and California, and a list of the plants comprised in these collections was subsequently published in a work prepared for the press, by Dr. W. A. Bell, entitled "New Tracts in North America."

In 1869, Dr. Parry was appointed botanist of the United States Department of Agriculture, at Washington, and assigned to the important work of arranging the extensive collections of plants which had accumulated at the Smithsonian Institution as a result of various government explorations. He also visited San Domingo, as botanist to an expedition sent out by the government, when the annexation of that island to the United States was under consideration during President Grant's administration. In 1871, he retired from his official position, and the summer of 1872 found him again in the Rocky Mountains, accompanied this time by J. Duncan Putnam, the talented young entomologist, also of Davenport. In 1874, he was attached to an exploring party under command of Captain W. A. Jones, which traversed northwestern Wyoming and the Wind river district to Yellowstone National Park. In 1875, he penetrated the wilds of Utah and secured a unique and valuable collection of flora from the desert district in the valley of the Virgen, near St. George, spending the summer of that year in central Utah, in the vicinity of Mt. Nebo, and continuing his trip to California in the fall of that year.

The following year, in company with Professor J. G. Lemmon, a noted California botanist, he explored the high mountain district in the neighborhood of San Bernardino and the desert stretches lying east of the Sierra Nevada mountains, and made a valuable collection of the plants of that region. Portions of Mexico, Texas and California were included in the field of his subsequent researches, which were always prosecuted with vigor and with a clearly defined

purpose in view. In company with Professor C. S. Sargent, of Cambridge, and Dr. George Engelmann, of St. Louis, he collected valuable forestry statistics of the Pacific coast region for the United States census of 1880.

Even in the later years of his life he was active in the field of exploration and his interest in the science to which he had given the best years of his life never flagged. With the ardor of an enthusiast and the conscientiousness of one who has consecrated his life to the work in hand, he labored for the advancement of science and the broadening of human knowledge. To make new discoveries in his chosen field of investigation was the chief delight of his life, and beyond securing to the world the benefits of these discoveries through published records, he had no ambition to appear as publisher or author. The results of his researches were made known through American and foreign journals and published reports, and through these channels he was a voluminous contributor to scientific literature, but he never embodied his observations and discoveries in books of his own making.

To the literature of the Davenport Academy of Natural Sciences, he contributed many valuable papers, among them being admirably written biographical sketches of Dr. Torrey, Dr. Engelmann, J. Duncan Putnam, and other scientists. His extensive explorations and exchanges with other collectors enabled him to accumulate a vast collection of botanic specimens, with many of which he enriched the herbaria of both Europe and America, and his private collection is probably the finest to be found in any of the western states. This splendid collection, now in the possession of Mrs. Parry, who survives her husband, is likely to find its way ultimately into a western college, to become a perpetual educator of American youth and a monument to the indefatigable labors of the famous collector.

While he contributed vastly to the development of the science of botany in general and rendered important service to horticulture as well, especially conspicuous was his identification with west American botany. He discovered hundreds of new plants, afterwards described by Dr. Gray and Dr. Engelmann, and many beautiful and useful plants bear his name and will ever keep his memory green.

With the scientists of the United States and Europe the relations of Dr. Parry were for many years of the most intimate and friendly character. The renowned Sir Joseph Dalton Hooker, director



of the famous Kew Gardens, at London, was among those who extended to him cordial greetings on the occasion of his frequent visits to England, and to him the Gardens were indebted for many valuable contributions. Engelmann, Gray and Torrey were among his life long friends, and by all these distinguished scientists he was recognized as an authority in all matters pertaining to the flora of what has been termed alpine America. In the course of his explorations in this region, Dr. Parry gave to one of the prominent peaks of the famous snowy range of Colorado the name of Gray's Peak. Another one he named Torrey's Peak, another Mt. Guyot, and still another is now known as Mt. Parry. Notable monuments to noted men.

As a citizen of Davenport, Dr. Parry was always greatly beloved. Although his labors kept him away from there much of the time, this city he regarded as his home, from the time of his settlement there, among the pioneers, in 1846. It was here that he was married, in 1853, to Miss Sarah M. Dalzell, who died five years later, and it was here also that his only child, a daughter, was born and died.

Married again, in 1859, to Emily R. Preston (née Richmond), it is here also that the cultivated and intelligent lady, who shared to a large extent his travels and labors in later years, still resides. Of the Academy of Sciences, which has contributed in no small degree to the fame of Davenport, he was one of the founders and chief promoters. A charter member of the Academy, he became its second president and retained the office seven years, contributing in many ways to the growth and development of the institution. An ideal man in his social and domestic relations, courteous, gentle, kind and sympathetic, if

"To live in hearts we leave behind  
Is not to die,"

Dr. Parry still lives, because few men have ever succeeded in gathering around them a circle of more devoted friends.

## THE BEHRING SEA ARBITRATION.

By the decision of the Jury of Arbitrators, at Paris, in July, 1893, a vexed question between the United States and Great Britain, which for nearly ten years past had been almost constantly under discussion and a source of endless diplomatic correspondence, was finally set at rest. In giving here a brief outline of the merits of this question, resort is had to generous extracts from an article on "The Behring Sea Controversy," by the Hon. Edward J. Phelps, in "Harper's Magazine," for April, 1891. Mr. Phelps is probably the best informed man on this subject in the United States. He conducted the correspondence in the original controversy while Minister to England, and by appointment by President Harrison, as leading counsel for the United States, he conducted the recent case before the Paris tribunal. His article in "Harper's" was written after the close of his term as minister to Great Britain, and before the Arbitration was decided upon. He cannot therefore be said to speak as a prejudiced partisan. In his article, Mr. Phelps said :

"The Alaskan fur-seal fishery is the most important in the world. It was a material element in value of that province when purchased by the United States from Russia, at a heavy cost, and one of the principal inducements upon which the purchase was made. \* \* \* \* Since Alaska became the property of the United States this fishery has afforded a very considerable revenue to the government, by the lease of its privilege. \* \* \* \*

"The seal is amphibious. It is not a denizen of the sea alone, still less 'a wanderer of the sea,' but requires both land and water for its existence, and especially for its propagation. It has a fixed habitation on the Alaskan shore, from which it never long departs, and to which it constantly returns. It belongs therefore to the territory on which it makes its home, and where it breeds, and gives rise to a business and a revenue, as much entitled to the protection of the government as the larger commerce of the port of New York. It is the habit of this colony of seals to cross through the sea during breeding time, to the Pribyloff Islands, which form a part of Alaska, where their young are produced and reared.

"In making the passage, the seals necessarily cross a portion of the Behring Sea, which is more than three miles outside of either shore, and is therefore beyond the line usually regarded as the limit of national jurisdiction on the borders of the ocean. It has been the custom for several years past for certain Canadian vessels, fitted out for the purpose, to intercept the seals on this passage, while outside of the three-mile line, and to shoot them in the water. Many of the animals thus destroyed sink and are lost. Those that are saved are considerably diminished in value by their condition. Still, there is a certain profit in the business, inhuman and wasteful as it is. But the necessary result of it, if continued, will be the extermination of the seals in Alaska within a very short time, the destruction of the interests and industries dependent upon them, and in a large measure the withdrawal of the fur-seal skin from commerce and from use. The certainty of this result is proved by what has already taken place."

The reference in this last sentence is to the statistics of the Alaskan fisheries, as transmitted to the British government in 1891, by the Secretary of State, Mr. Blaine. Secretary Blaine's statement was as follows: "From 1870 to 1890, the seal fisheries, carefully guarded and preserved, yielded 100,000 skins each year. The Canadian intrusions began in 1886, and so great has been the damage resulting from their destruction of seal life in the open sea surrounding the Pribyloff Islands, that in 1890 the government of the United States limited the Alaska Company to 60,000 skins, but the Company was able to secure only 21,000 seals."

As stated above, the Canadian depredations began in 1886, during the first Cleveland administration. As soon as the facts became known, the United States government, through its minister in London, Mr. Phelps, presented the case for the consideration of the British government. Lord Salisbury, as foreign minister of Great Britain, had the case in charge. Mr. Phelps, for the United States, proposed a convention of representatives of the three powers, Great Britain, the United States and Russia, to prepare regulations limiting the season during which seal fishing could be prosecuted, and prohibiting it during the breeding season.

The proposition of a convention for this purpose was acquiesced in by the British government, and Mr. Phelps was requested by Lord Salisbury to draft such regulations as seemed to be required. This Mr. Phelps did. His draft of regulations was submitted, and no

question raised concerning anything it contained. Acting in good faith upon the strength of the promised concurrence, the Russian government was appealed to, and consented to act as a third party in the convention. But at this point Canada, whose interests were more nearly affected than those of England, objected to the entire proposition. As a result, the acquiescence of Great Britain was tacitly withdrawn, and the negotiation fell through. This part of the story is fully set forth in the published dispatches of Mr. Phelps as minister to England.

Let it be noted that the original contention of the American government, as illustrated in Mr. Phelps' proposition for a convention, only looked to a practical and amicable enforcement of such regulations as were necessary for the preservation of the seals. The question of vested rights and the intricacies of international law had not yet complicated the case. But when Great Britain manifested an unwillingness to co-operate in the matter, the American government had no resource but to press these other considerations, and emphasize the question as one of rights on her part.

But while Mr. Phelps presented this view in 1891, and urged a similar view before the Paris commissioners, it will be noticed that he did not claim for the United States the right of a closed sea in the Behring waters *per se*. He merely urged that a practical closing of the waters frequented by the seals, for this single purpose of their preservation, was not only perfectly justifiable, but an imperative duty of the United States. He was not so much contending for an abstract legal principle defining the freedom of the sea, as for the practical right of a nation to protect one of its important industries from its threatened annihilation by the technical insistence of marauders upon the doctrine of the three-mile limit.

It should be said, further, that Mr. Phelps has carefully demonstrated that regulation of the sealing fishery by the United States government would not by any means be a novel practice among nations, but a very common one. Great Britain has long enforced regulations outside the three mile limit for her coral and pearl fisheries in the Indian Ocean. Norway protects her whaling industry outside this limit. Russia protects her seal fisheries of the Commander Islands, and in pursuance of this policy has seized with impunity both American and Canadian marauders in the open sea. Great Britain has entered into a convention with Norway and agreed upon regulations fixing a closed season for the seal fisheries of the

latter country. The edict of Great Britain during the confinement of Napoleon on St. Helena was a notorious violation of the three-mile doctrine to meet a special emergency. She prohibited the vessels of all nations from trading with St. Helena, and made it criminal for any vessel to be found "hovering" within eight leagues (eight times the three-mile limit) of the shore. Such examples could be multiplied, together with others, showing that industries which enjoy the full liberty of the open sea at one time, at another time, when nations for any reason see fit to condemn them, forfeit this right and find the high sea a closed sea so far as they are concerned. A notable example of this kind was the slave-trade. The sea which was open for its prosecution within the memory of man, is now rigorously closed to it by the edict of civilized nations.

But doubtless enough has been said for a true interpretation of the significance of the decision of the Paris arbitrators rendered in July last. Because the extreme claims of the American representatives were not allowed, it has been frequently asserted that the decision, was a doubtful victory for the United States. But surely such is not the case. The contention of Mr. Blaine, which was an after-development of the controversy, that the Behring waters were a closed sea in all respects with a right of exclusive jurisdiction vested in the United States as against Great Britain at least, if not all other nations, was disallowed. But the original representations of the American government as promulgated during the first Cleveland administration, and as embodied in the draft of regulations drawn up by Minister Phelps at the suggestion of Lord Salisbury, have been practically re-affirmed and put into execution by the Paris decision which provides the necessary protection measures during the breeding season of the seals.

The right of the American government to close up Behring sea to the extent of enforcing necessary protective measures to preserve the sealing industry, has been practically affirmed, beyond a peradventure. The original convention proposed by Minister Phelps, and the views of citizen Phelps, as set forth in a magazine article, have been cited sufficiently to show that the real contention as set forth at the outset, and maintained at every point, has been preserved in a decided triumph for the principles insisted upon for the American government. Nothing more could be desired. Mr. Blaine's later contention served its purpose in forcing an issue of the controversy upon Great Britain, and bringing the

entire matter to a head in the agreement to submit to the arbitration which has recently closed its labors. And having secured the practical end for which we inaugurated the agitation, doubtless the United States will hereafter benefit as much as any other nation by the principle negatively affirmed,—that no nation can arbitrarily designate a part of the ocean as a closed sea beyond the three-mile limit, to apply promiscuously, although necessary regulations may be insisted upon in such cases to guard special vested interests.

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HON. EDWARD J. PHELPS,

LEADING COUNSEL FOR THE UNITED STATES.

The Hon. Edward J. Phelps has been identified for a longer time and more intimately, with the Behring Sea controversy, than any other person. Not merely was he the leading counsel for the United States for the Arbitration Commission, which closed its long session at Paris, in July, 1893, but he was also resident minister to England, during President Cleveland's first term, when the question originally came up and when all the correspondence passed through his hands. A brief review of the merits of the controversy, with the view of it presented by Mr. Phelps, has been given in the preceding pages. It is designed now to add an outline sketch of Mr. Phelps' life.

Born in Middlebury, Vermont, in 1822, the Hon. Edward J. Phelps comes of a sturdy Puritan stock which has had many representatives prominent in public affairs. His own father, Judge Samuel S. Phelps, was one of the most distinguished of these. Ranking among the most eminent lawyers Vermont has ever known, Judge Phelps served as justice of the Supreme Court of that state from 1833 to 1838, and in the latter year was elected to the United States Senate, where he remained for thirteen years.

Edward J. Phelps received his early education in his native town, at Middlebury College. Later he graduated from the law department of Yale University. He was admitted to the bar of Vermont, and at once began practicing law at Burlington, where his home has been ever since. He continued in the regular practice of his profession for many years, except when interrupted by calls into the public service. His eminent abilities placed him in charge of cases

of the greatest importance in every section of his native state, and indeed extending beyond its limits.

The first interruption of his law practice occurred in 1851, when President Fillmore invited him to accept the office of Second Comptroller of the United States Treasury. Mr. Phelps, then twenty-nine years of age, accepted the trust and held it until the accession of President Pierce, in 1853, when he resigned. President Pierce requested him to retain the office, but Mr. Phelps' desire to resume his professional duties led him to insist upon the acceptance of his resignation.

Again, in 1870, Mr. Phelps was called into service by Vermont as one of the representatives in her constitutional convention. Here his abilities as a legal authority were of the greatest importance. He was influential in a considerable degree in shaping the organic instrument, then reviewed and amended, for his native state. In 1880, Mr. Phelps was elected President of the American Bar Association, the office of highest honor in the gift of the legal fraternity of the United States.

During the year, 1881, the Kent Professorship of Law in Yale University was offered to Mr. Phelps, and accepted by him. Thereupon he withdrew from the general practice of law, with the exception only of occasional service as counsel in cases of great magnitude and importance. Since assuming his duties as professor at Yale, Mr. Phelps has maintained a residence at New Haven, Connecticut, for five months of each year, from January to June. In the University, he has each year delivered a course of lectures to the undergraduates of the senior class, as well as a regular course to the students of the law department.

Mr. Phelps's duties at this University have been interrupted by his residence of four years in London, as Minister of the United States to Great Britain. To this office he was nominated by President Cleveland, in March, 1885, retaining it until his resignation upon the accession of President Harrison in 1889.

Mr. Phelps' conduct of the Behring Sea negotiations during the first Cleveland regime, were not the only important diplomatic services which he rendered as American Minister to England. He also negotiated and executed with the British government an important extradition treaty. This treaty was pending in the United States Senate at the close of the Cleveland administration, but was adopted in its substantial features by the succeeding administration as the basis of a treaty soon after executed and ratified.



Other important questions which came up during his service were the Canadian Fisheries Question, the adjustment of the boundary between Alaska and British Columbia, and the affair of Lord Sackville West, British Minister at Washington. Mr. Phelps conducted the correspondence which resulted in the dismissal of this indiscreet official.

His original service in the controversy relative to the preservation of the seals of Behring Sea, which he adjusted by an agreement with Lord Salisbury, the British foreign minister, but which failed to be carried out in consequence of the opposition of Canada, has been already described. It is a curious fact that the same terms, practically, as were agreed upon with Lord Salisbury, were ratified by the decision of the recent Paris tribunal, while claims of a more arbitrary nature, advanced later on by the United States, were disallowed. In view of his former connection with this controversy, and his standing as one of the ablest authorities in the United States on international law, it is not a matter of surprise that Mr. Phelps should have been retained by President Harrison, in 1892, as leading counsel for the United States in the Behring Sea Arbitration. Mr. Phelps conducted the case throughout before the tribunal of arbitrators, while the closing address by himself, requiring many days in its delivery, was one of the most masterly efforts of its kind in the history of arbitration between nations.

Mr. Phelps has received the degree of LL.D., from Harvard University, the University of Vermont and Middlebury College. He was married to the daughter of Hon. Stephen Haight, of Vermont, formerly Sergeant-at-arms in the United States Senate. Of their four children, two survive.

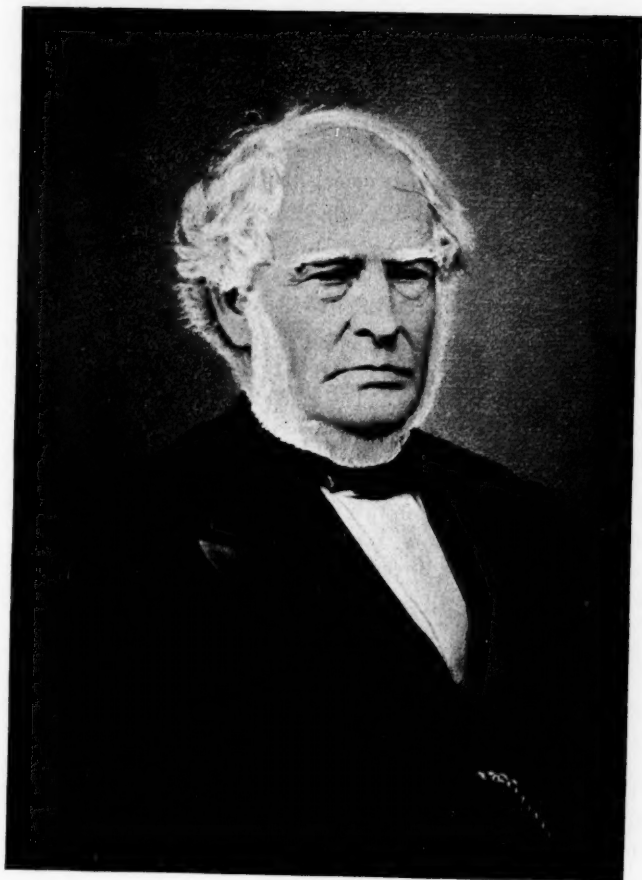
A. S. CAMERON.

## NEWARK, N. J., INCORPORATED.

### SOME OF ITS PUBLIC MEN.

As stated in a former article, the town of Newark was originally a church which, having first taken root in Branford, Conn., had been transplanted to the banks of the Passaic in New Jersey. Here the authority and influence of its church element was, more or less, felt until the beginning of the present century ; and even as late as 1833 the Town Meeting was held in the Session Room of the First Presbyterian Church. In that very room was held the meeting at which the town was first divided into its original four wards ; and at which, also, it was "Resolved that the Sexton have three dollars paid by the Town Committee for cleaning the Lecture room of said church out of any monies belonging to the Town," etc., a somewhat ambiguous phrase, but not intended to reflect upon the Sexton's honesty.

Five years prior to this event, in 1828, an effort had been made to incorporate the town, but this failed, and the awkward system of managing the affairs of a rapidly growing community through Town meetings which could not properly represent it, was becoming quite insufferable. The erection of wards was a relief, but the swarms of Town officers were simply a nuisance and a cause of continual vexations. The Town had now a population of over 19,000, and among its active citizens were the Hornblowers, the Frelinghuysens, the Boudinots, the Whiteheads, the Condit, the Penningtons, the Dods, the Halseys, the Baldwins, the Jacksons, the Congars, the Kinneys, the Hayes, the Allings, the Wards, the Nichols, and scores of others whose names have always been, and still are, prominent among Newark leaders. Eloquence and influences of various kinds finally prevailed, and in April, 1836, a charter was obtained making Newark a city. Its acceptance by the people was signalized by the roar of cannons, the lighting of bonfires, and a general jubilation. On the 11th of the same month, was held the first Charter Election which resulted in the choice of William Halsey as Mayor. At the same time four aldermen were elected from each of the four wards : from the North Ward, Abraham W. Kinney, William Lee, Isaac Meeker, John H. Stephens ; South Ward, Isaac Baldwin, Thomas B. Pierson, Aaron Camp, Henry L. Parkhurst ; East Ward, William Garthwaite,



MOSES BIGELOW.

Joel W. Condit, James Beardsley, James Miller ; West Ward, Enoch Bolles, William Rankin, Abner P. Howell, James Keen. Several of these became Mayors of Newark, or occupied other prominent positions. Having, as yet, no City Hall, their first meeting was held in St. John's Lodge room, in the uppermost story of the Newark Academy, which then occupied the spot, upon which the Post Office is now in course of erection. On that occasion the city government was first organized, and suitable persons were elected to fill the offices of Recorder, Clerk, Treasurer, Surveyor and Street Commissioner. Among these, as among the aldermen, were men who subsequently arrived at distinction, and of whom we shall speak in future articles.

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#### MOSES BIGELOW.

The Bigelow family is of English origin, and the name, from the 13th century to the 17th, was variously spelled Beagely, Baguley, Begaloo, Biggilo, Biglo, etc. The first who found a home in America, and who may be regarded as the earliest American ancestor of that family, was John Bigelow, of whom mention is made in the Watertown (Mass.) Town Records, where his marriage is recorded as the first that occurred in that settlement as follows : " 1642-30-8, John Bigulah and Mary Warin joyned in marriage before Mr. Newell." These, in a direct line, are the American progenitors of the subject of our sketch, who was of the sixth generation. His father, Timothy Bigelow, removed in early life from Hanover, N. J., where he was born, to Lyons Farms, N. J., where, when a mere boy, he enlisted in the Continental Army and served until the close of the war. Not long afterwards, he married Hannah Ogden Meeker by whom he had eight children, of whom, Moses was the fourth, being also the eldest son. Timothy Bigelow is described as a "Fine looking gentleman of the old school, and was highly respected by all who knew him, a man of sterling worth and undoubted integrity." And all of this may be truly said of his son, concerning whom we now write.

Moses Bigelow was born January 12, 1800, at Lyons Farms, an old agricultural settlement bordering upon the city of Newark, N. J. Here he passed his boyish days, and here acquired the first rudiments of learning in the "Old Stone School House," with which are connected so many stories of varied interest, and which a hundred

years have failed to topple down. After acquiring all that could be offered to him here, he was sent to a school of higher grade in Elizabethtown, a few miles distant, where he obtained an education which was deemed sufficient for almost any walk in life. His early purpose was to be a farmer, as was his father, but his love for books and study eventually diverted him from this intention, and he entered, as a student-at-law, the office of Governor William S. Pennington, at that time a judge of the United States District Court for New Jersey. Here he acquired a knowledge of the law which, although he never became a practitioner, was of great value to him in after life. That he never entered the profession was, doubtless, due to the fact that in those days the law afforded a very uncertain maintenance, and the task of building up a practice sufficient for that purpose was not suited to his active and progressive disposition. Possessed of the necessary means, he desired to take a part at once in some of the occupations of life, and a favorable opportunity having been presented to him, he determined, on reaching his majority in 1821, to invest his capital in the manufacture of boots and shoes for the southern and western markets. In this enterprise he was very successful until 1829, when all his plans were defeated by the death of his brother who was associated with him in business.

Having disposed of all his interest in this enterprise, he formed a copartnership in 1831, with Mr. Pruden Alling, in the wholesale grocery business, an important branch of which was, in those days, the sale of imported and domestic liquors. It was a profitable business, and regarded as perfectly legitimate until 1835, when the "Temperance Reform" reached its height, and the vending of all sorts of spirituous liquors was denounced as a sin in the sight of God, and little less than the murder of human beings. This was startling to the Corys, the Stephens, the Condit's and others of Newark's stanchest and most respected citizens, but they bore the anathemas of the reformers with becoming grace, and listened complacently to their appeals. Mr. Bigelow received them in the generous spirit so natural to him, and when urged by them, in the name of humanity, to empty his casks of wine and brandy into the gutters, his reply was: "Gentlemen, I appreciate the importance of the work in which you are engaged, and I am perfectly willing to bear my share, and even more than my share, of the expense which must, of course, legitimately attend it. I have prepared a careful inventory of all the liquors in my establishment, with the cost value of the

same, and if you will refund to me one-half of what I paid for them, you may dispose of them as you please." It is possible that some persons may find it difficult to believe that this generous offer was refused. It was made, however, with the utmost sincerity, as Mr. Bigelow proved soon afterwards by abandoning the business in which he had been profitably engaged. His active spirit would not suffer him to remain long unemployed, and for this reason, rather than for the sake of accumulating wealth, we find him ere long busy in organizing a company for the manufacture of clothing for the southern and western markets, in which he had made himself so favorably known. This was just at the commencement of those years of financial disaster so grievous not only to the city of Newark, but to the entire country. The riches that had intoxicated their possessors in 1836, were destined to evanesce in 1837, and the great clothing establishment belonging to the firm of Bigelow, Canfield & Ingraham, like thousands of the wealthiest concerns in the land, was left struggling for existence. The coming of the great financial hurricane was foreseen by Mr. Bigelow during the long tramp which, while the storm was gathering, he made on horseback through the southern States to the very border of Texas. But it was seen too late, and could not have been withstood, had it been seen earlier. He went down before it like all his friends and neighbors. The government, with its Bankrupt law of 1842, came to his rescue, but he spurned the proffered aid, and thereby won for himself a degree of respect and confidence which crowned his subsequent struggle for freedom from overwhelming debts, not only with liberty, but with growing wealth.

Long, weary years went by ere the business skies became once more clear, but they seemed sufficiently propitious in 1848, to tempt Mr. Bigelow to seek the tide that leads to fortune. In that year he entered quietly into the business of manufacturing varnish, wherein his keen perceptions discovered safety, as well as profit. The establishment which he then founded became for him the source of a generous income throughout the remainder of his life, and still bears his name.

It was not surprising that a man so sagacious, so brave, and so honest should, sooner or later, be marked by his fellow citizens as one admirably fitted to serve them in some important public position. His modesty and self-respect would not permit him to seek office, and it is doubtful if he ever dreamed of political preferment,

although he took a heartfelt interest in the success of the Democratic party which represented, in his judgment, principles by which the country should be governed. The time came, however, when he must share with others the responsibility of caring for the public interest. In 1857 he was called to the office of Mayor, and was yearly elected to that position until 1864. It was during his administration that the bloody conflict between the northern and southern States broke out, and it is worthy of note that in the south his business interests had been, and still were the most important. To the south he was mainly indebted for his wealth, and in the south were many of his warmest personal friends. In view of all this he, nevertheless, boldly announced his determination to support the federal Constitution, and on referring to this instrument in his Annual Message of 1862, he said "Whoever assails its authority by word or deed is an enemy of the Union of the States and the peace and the happiness of the Country." Throughout all the war of the Rebellion, his voice and arm were ever uplifted in the behalf of the Union, and he was always among the foremost to prosecute it to a successful termination.

As Mayor, Mr. Bigelow exhibited a rare judgment, and interest in the public welfare which was felt in every department of the city government. In the performance of his official duties he was always actuated by a determination to do what was right and in accordance with the dictates of his conscience. His integrity and efficiency as Mayor, brought forward his name more than once for highly responsible positions, and on one occasion the opportunity was afforded him to become a candidate for gubernatorial honors; but after closing his career as Mayor he declined every public office that was tendered to him. As early as 1835 he showed his capacity as a manager of business enterprises of a private character. In that year he was among the foremost in organizing the Morris & Essex Railroad Company. In the formation of the Mechanics' Fire Insurance, and of the Howard Savings Institution he was very active, being an incorporator, and for many years a director in both. The Citizens' Gas Light Co. enjoyed, in its infancy, his fostering care. He was the first President of the Society for the Prevention of Cruelty to Animals, and served many years as a trustee of the State Lunatic Asylum. Benevolent institutions on every hand sought the benefits of his counsels, and were the recipients of his bounty.



Mr. Bigelow married, February 4, 1836, Julia Ann Breckinridge Fowler, daughter of Dr. Samuel Fowler, the learned mineralogist, by whom he had six children, three only of whom are now living. His death occurred in Newark, N. J., June 3, 1878.

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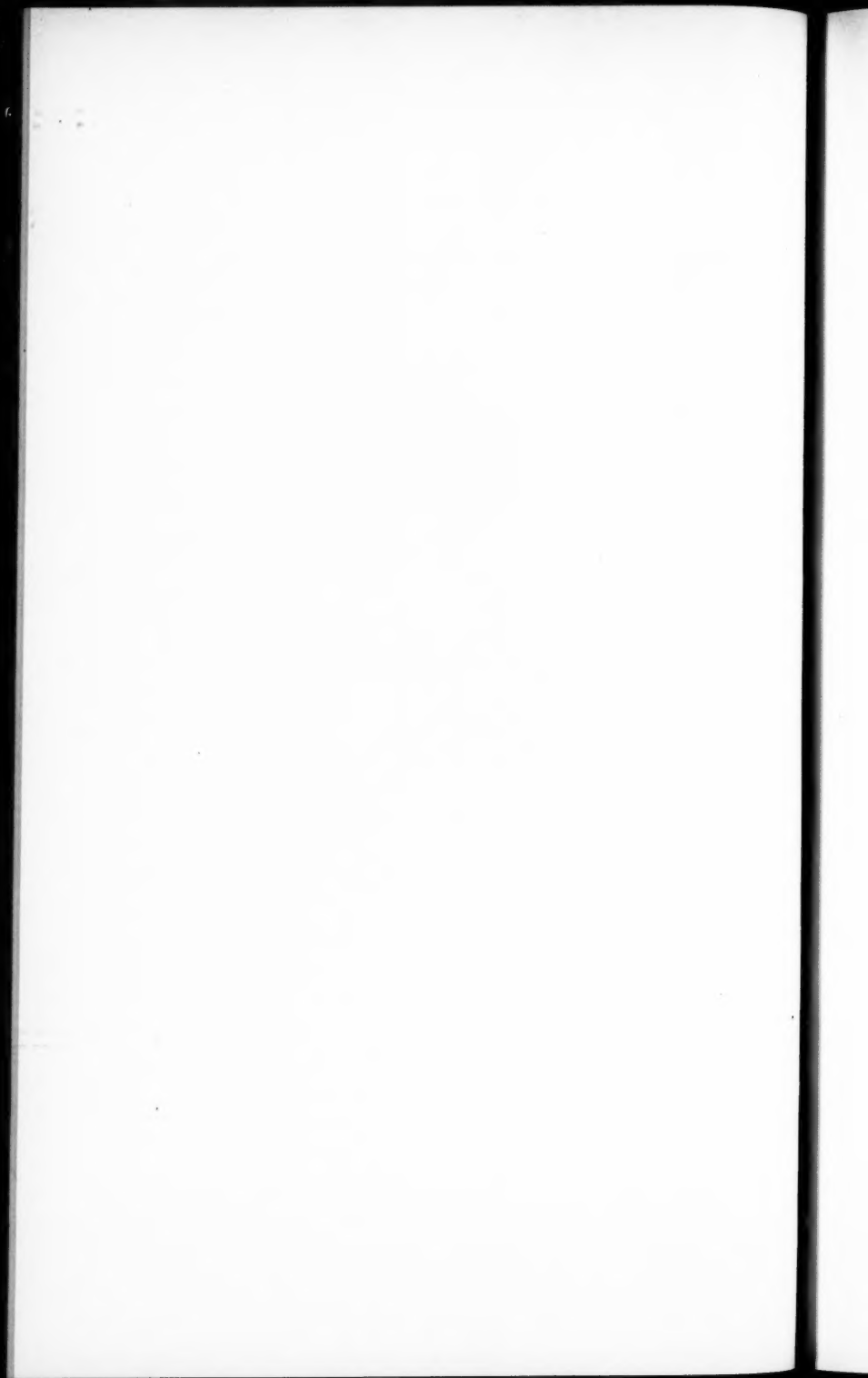
#### THOMAS B. PEDDIE.

On the principal thoroughfare of the city of Newark, N. J., nearly facing one of its beautiful public parks, stands a house of worship, built of gray granite, in Byzantine style of architecture, and capable of seating three thousand worshipers. It is called the "Peddie Memorial," and was the gift of the subject of this sketch to the congregation with which he connected himself when, as a youth, he came to Newark, and with which he continued to worship throughout his long and useful life.

Thomas B. Peddie was a Scotchman by birth, and Edinburgh was his native city. Here, too, were born his parents, people in moderate circumstances, intelligent, industrious and intensely religious. Guided by their example and early teaching, he acquired habits of industry and self-reliance, as well as reverence for every thing that is essential to an honorable and pious life. It is true that his mental acquirements were only such as are obtained in schools of no very high grade, but they were quite sufficient for the ordinary purposes of life, and were gradually augmented by reading and contact with his fellows as he increased in years. To his fondness of reading books of travels and the accounts of foreign lands given in the newspapers of the day, he attributed his desire to visit America, and, ultimately his permanent settlement in the United States. Possessed, through his own industry, of means sufficient for this purpose, he left his native land, uncertain as to whether he would ever see it again or not. It was in 1833 that he found himself in Newark, N. J., then a growing town offering great inducements to manufacturers and to all persons inclined to mechanical pursuits. An utter stranger in a strange land, with no other commendation than his honest, manly ways, he, nevertheless, obtained a position in the great saddlery establishment of Smith & Wright, the latter of whom became subsequently a Senator of the United States. In this connection he remained for two years, when having become familiar with the business ways of the land of his adoption, he resolved to test



W. B. Reddie



his own abilities as an operator and a financier. He, accordingly, undertook in a modest way the manufacture of leather trunks and carpet bags. Success attended him beyond his expectations, and a large and lucrative business seemed to await him in the no distant future. During the first ten years he managed alone his rapidly extending operations, but in 1846 he found it necessary to take a business partner to assist him in his labors. With that sagacity for which he became so noted, he associated with himself Mr. John Morrison, who in this connection became known as one of Newark's most estimable business men. This partnership continued until 1861, when Mr. Morrison died. This was a sore loss to Mr. Peddie, who was now constrained to give undivided attention to his immense establishment. Fortunately, among his principal assistants was Mr. George B. Jenkinson, whose familiarity with every department of the complicated works relieved Mr. Peddie gradually of much of his labor, and finally resulted in a partnership between them under the firm name of T. B. Peddie & Co. Under this name the business was conducted until the death of its founder.

Notwithstanding the increasing burthen of a great and ever growing establishment, Mr. Peddie neglected none of his duties as a good and patriotic citizen. His interests led him, of course, to take a prominent and active part in the moneyed institutions of the city, in many of which he was as an influential director. But, moreover, where personal interest did not call him, he was equally earnest and active. In almost every important public movement, he was among the leaders, aiding by means of his advice, as well as his purse. Of the Board of Trade of the city of Newark he was a useful and efficient member, at one time its President, and at all times a warm participant in its proceedings.

In politics Mr. Peddie was a stanch Republican, and an enthusiastic advocate of the principles and measures of that party. While by no means an office seeker, he was, because of his popularity and sterling honesty, called to occupy positions of honor and responsibility. In 1863 and 1864 he served as a member of the state General Assembly, in which capacity he gave valuable support to the general government during the war of the Rebellion, and by means of his influence and his contributions did good service in behalf of the Union. For a period of four years, 1866-1869, he was Mayor of Newark, an office which he filled with credit to himself and advantage to the city. In 1876, he represented the sixth Congressional district

of New Jersey in the Forty-fifth Congress. On the expiration of his term of office he declined a further nomination.

Mr. Peddie showed a remarkable interest in young people and an earnest desire to see, in the rising generation, worthy inheritors of the institutions which he had cherished and done all in his power to protect. This accounts for the great interest which he took in educational matters. As a token of the appreciation of his services in this direction, his name was given to the Peddie Institute, a flourishing academy in Hightstown, N. J. He was one of the early promoters of the Newark Technical School, an institution for which the city is mainly indebted to its Board of Trade, by which body the first steps were taken for its establishment, with Mr. Peddie as chairman of the committee having charge of the enterprise; for many years he was a trustee of the Newark City Home, a school to which he gave much attention. Of all benevolent enterprises he was a liberal supporter, ever ready to advance them by contributing of his means as well as by his personal services.

The last work of Mr. Peddie's life was the erection of the massive pile spoken of in the first lines of this sketch as the "Peddie Memorial." This name for the structure was not suggested until after his death, nor was the building completed until some time after that event. It was Mr. Peddie's design that this edifice should be so constructed and appointed that it might serve, not only as a house of worship, but that it might also afford every facility for gatherings of an intellectual character, and for ennobling entertainments that might be within the reach of everybody. His wish in this respect was complied with, and after his death which occurred February 16, 1889, his widow carried out another wish on his part by giving to the church valuable property in New York city and elsewhere, which yields it a handsome revenue.

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#### HORACE J. POINIER.

The early ancestors of Horace J. Poinier were Huguenots, who, with many thousands of those persecuted on account of their religious belief, fled from France in 1681, and found refuge in Switzerland, Germany, Holland and England. The Poiniers went to England, and thence the earliest American ancestors of Mr. Poinier emigrated to this country, and settled in White Plains, Westchester



*H. G. Poinier.*

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county, N. Y. In this place his father was born in 1769, and here remained until 1790, when he removed to Newark, N. J., where the subject of this sketch was born October, 28, 1810.

In his youthful days, young Poinier enjoyed all the advantages afforded by the schools of his native place. Although destined for a business life, his great fondness for reading and study resulted in the acquisition of valuable and varied knowledge which, as he advanced in years, enabled him to take high rank as a man of intelligence and sagacity. Possessed of the necessary means, he entered early into business as a lumber merchant, and in this achieved such success that, in 1869, he retired with a handsome competence. Still in the possession of abundant vigor of both mind and body, he could not remain idle, nor could those who might derive advantage from his rare business abilities permit him to do so. It is not then surprising that he should have been offered, or that he should have accepted, the presidency of the Newark City Insurance Company. This position he held for nearly fourteen years, when, in 1882, the company transferred its business to the Citizens Insurance Company of New York.

But not in the various departments of purely business affairs alone did Mr. Poinier display his aptitude. While carefully attending to his extensive mercantile interests he was not negligent of what was due from him in promoting the welfare of his native city by using all the means in his power to increase its advantages as a residence as well as a mercantile and manufacturing centre. In all the enterprises inaugurated to this end he was a prominent participant. In public meetings he was active and influential, and when measures involving the general welfare could be carried out only by private aid, he always lent a helping hand. Upon his entrance into business life he showed his desire to be useful to his fellow citizens by earnestly laboring to give the town an efficient fire department, and in this, as in all enterprises for the public good, he was eminently successful. In 1843 and 1844 he was a member of the Common Council of Newark, representing in that body the ward in which he then resided. While in this position he took a very active part in promoting all desirable public improvements, giving to them, in many instances his personal attention. In the public schools he also manifested a hearty interest, and every question affecting their usefulness was carefully considered by him. Their preservation from all sectarian influences was to him an essential matter, and

therein he gave frequent proof of his liberal spirit and excellent judgment.

Mr. Poinier's career as a business man, and a public spirited citizen up to 1853, gained for him hosts of admirers, and at the close of that year, he was selected as a candidate for the office of Mayor of the city of Newark. His well known integrity, thorough business qualifications and general intelligence pointed him out as the proper man for the position, and he was triumphantly chosen to fill it. In January, 1854, he entered upon the duties of the office, which in that year proved to be very onerous and disagreeable, on account of the Asiatic cholera which made its appearance in Newark, filling every household with fear and trembling. Its visit to the city was easily accounted for by the wiseacres of the day, some of whom attributed it to dirty streets, some to impure water, some to impure rum and beer, some to Sabbath breaking and some to immorality in general. Every one admitted that the plague might be due to a combination of those various causes, and that it was the duty of the Mayor to bring down the strong arm of the law upon them all. It might be thought that it was a good deal to ask of him, but he treated the whole matter with such rare good sense and judgment, that the results of his labors were crowned with something never dreamed of by him, to wit: the formation of a "Law, Order and Morality" party, with himself as its leader. He accepted the situation, unexpected as it was, and, in the following year was re-elected. The occasions, however, on which law, order and morality can boldly enter the political field are few and far between. All men are wise and good citizens under ordinary circumstances, but some men grow wiser and better when the cholera or starvation happen to be at the door. Law, order and morality shook their fists long enough to elect Mr. Poinier for a third term as Mayor, and then quietly divided their forces, and continued their work "on the sly."

Three years' service as Mayor was, in Mr. Poinier's opinion, all that could be justly demanded of any citizen, and he retired from the office, with the respect of the entire community, and the consciousness of having discharged his duties faithfully and honestly. For a number of years he was a member of the Board of Chosen Freeholders of Essex county. Of the Howard Savings Institution, chartered in 1857, he was one of the incorporators. For many years the Newark City Bank has numbered him among its directors. Of the Newark and Rosendale Cement Company he has been vice-

president and treasurer. The Newark Library Association and the Protestant Foster Home of Newark have enjoyed the benefit of his name and influence, and to several of these institutions he is still rendering valuable service as a director or manager.



GENERAL JACKSON, by James Parton, New York : D. Appleton & Company, 1893. (Great Commander's Series.)

A melancholy interest attaches to this volume, because it was the last work of a prolific pen. Two months before Mr. Parton's death the last page of the MS. of this biography was finished. It is therefore worthy of especial note, that its style is so vigorous, the treatment so vivacious, the narrative so skillful, that it is no mere conventionalism to say that these pages are as "interesting as a novel." There is no need for the editor's apologetic caution in introducing the work in the preface. A more positive tone might have been adopted in speaking of such a charming and yet discriminating work as this.

It is difficult at this date for one not blinded by partisanship, and for one who wishes to cherish a high ideal for political life, to keep the mind in a state of calm judicial impartiality in dealing with a man who gave to our republic the baneful spoils system with all its heritage of evil and of shame, involving the degradation of politics and a waste of the public money so reckless as to amount to thievery. Yet, Jackson did other things and vastly better things, for his country than committing that sad mistake, in which his temperament got away with his judgment, and of which, could he have seen the consequences as we now see them, we are certain he would have repented in sackcloth and ashes ; for with all his faults he was a true lover of his country. Nevertheless, as we follow this book, which does its subject full justice and vividly presents his merits, but glosses over no real defects of character and conduct, we are

painfully impressed with the unworthiness of the earlier career. There is unfortunately a good deal of the rowdy and ruffian in it—the playing with dice, the racing of horses, the brawling and fighting, the dueling with deadly intent and remorseless execution. All this makes up an unhappy record, and the faults of temper, of imperious willfulness, of unforgiving revengefulness for political hostility, which led to the mistakes of the later life, were no doubt the harvest of the wild oats sown at the beginning.

The two conspicuous acts of Jackson as President, were the erection of the spoils system and the casting down of the Bank of the United States. In treating of the former, Mr. Parton significantly begins :

It is delightful to observe with what a scrupulous conscientiousness the early presidents of this republic disposed of the places in their gift. Washington demanded to be satisfied on three points with regard to an applicant for office. Is he honest? Is he capable? Has he the confidence of his fellow citizens? Not till these questions were satisfactorily answered did he deign to inquire respecting the political opinions of a candidate. \* \* \* The example of General Washington was followed by his successors.

Then without direct censure, but without varnishing the act, the biographer indicates the real extent of the new departure. The author, again, clearly shows what was the animus inducing Jackson to attack the bank. It was essentially political hatred, glossed over (and undoubtedly to his own mind sincerely) with a zeal for the public good in defence against “bloated bondholders.” And ingeniously does Mr. Parton exhibit how Jackson’s act defeated his own best ideas of financial policy :

General Jackson desired a currency of gold and silver. Never were such floods of paper money emitted as during the continuance of his own fiscal system. He wished to reduce the number and the importance of banks, bankers, brokers, and speculators. The years succeeding the transfer of the deposits were the golden biennium of just those classes. In a word, his system, as far as my acquaintance with such matters enables me to judge, worked ill at every moment of its operation, and upon every interest of business and morality. To it more than to any other causes combined, we owe the inflation of 1835 and 1836, the universal ruin of 1837, and the dreary and hopeless depression of the five years following.

Notwithstanding all this, let us, as impartial students of our annals, make an effort to be just to Jackson. We shall find our author aiding us most effectively to attain that laudable end.

Among other things, he cautions us as follows (a specimen by the way, of the writer's vivacity of style):

No man will ever be quite able to comprehend Andrew Jackson who has not personally known a Scotch-Irishman. More than he was anything else, he was a North-of-Irelander—a tenacious, pugnacious race; honest, yet capable of dissimulation; often angry, but most prudent when most furious; endowed by nature with the gift of extracting from every affair and every relation all the strife it can be made to yield; at home and among dependents, all tenderness and generosity; to opponents, violent, ungenerous, prone to believe the worst of them; a race that means to tell the truth, but when excited by anger or warped by prejudice, incapable of either telling, or remembering, or knowing the truth; not taking kindly to culture, but able to achieve wonderful things without it; a strange blending of the best and worst qualities of two races. Jackson had these traits in an exaggerated degree; as Irish as though he were not Scotch; as Scotch as though he were not Irish.

In weighing the merits of this book we are to remember, however, that it does not belong to the *American Statesman Series*, where the political merits and shortcomings are more properly the theme of the biography. But is part of the *Great Commander's Series*, and mainly as a military man is Jackson here to be placed before us. Mr. Parton has duly heeded this obligation, although he is one of the two or three exceptions of non-military men treating of these lives of generals and admirals. The larger proportion of the volume follows Jackson in his career as a soldier, and the narration of campaigns, minute in details, vivid and picturesque in presentation, constitutes the chief fascination of those pages. Jackson does come out strongly and yet justly before us a consummate commander, daring, prompt, prudent, vigilant, overcoming mountainous difficulties with patience, perseverance, but iron determination, striking hard when the moment comes, but warily waiting its coming, and leaving no stone unturned to be ready for it. We need not compare him to Wellington, or put Grant or Sheridan into the shade by the side of him, as some seem inclined to do. We may give vast credit to Jackson as general without vitiating that just meed of praise by such extravagance.

In view of all that Jackson was and did, we cannot but admire the fine conclusion of this book, reading like the peroration to an eloquent discourse, and especially noteworthy (as we intimated above) as the last paragraph composed by this veteran and accomplished author:

"Most of our history for the last hundred years will not be remembered for many centuries ; but perhaps among the few things oblivion will spare will be the outline of the story of Andrew Jackson—the poor Irish immigrant's orphan son ; who defended his country at New Orleans, and, being elected President therefor, kept that country in an uproar for eight years ; and, after being more hated and more loved than any man of his day, died peacefully at his home in Tennessee, and was borne to his grave, followed by the benedictions of a large majority of his fellow citizens."



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Engraved by William New York

*H. E. Strong*

The New York History Co.